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JANUARY 5 , 2009

REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the January 5, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

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

Council Member Walker moved to approve the Minutes from the City Council Meeting of December 22, 2009.

Yeas	5
Nays	0
	APPROVED

Chairman Fruscione called the Meeting to order, and thanked the Council Members for their support during 2008. He then opened the floor for nominations for Council Chairman. Council Member Anderson nominated Council Member Robins, and Chairman Fruscione seconded the motion. When the vote was taken, Council Member Robins was unanimously elected Council Chairman for 2009. The Oath of Office was administered to Chairman Robins by City Clerk Carol Antonucci as the Chairman's wife and sons held the Bible and proudly looked on. Chairman Robins thanked his fellow Council Members for their vote of confidence.

In the Administrative Update, City Administrator Donna Owens wished a Happy New Year to the Council Members, thanked former Chairman Fruscione for his support during 2008 and congratulated Chairman Robins. She noted that there would be a Police Officer stationed in City Hall during business hours. The Pothole Killer was again being used in the City, and is being operated by a City employee. A new inventory of potholes has been completed, and documentation is kept on the potholes that are being filled. She also said that the Mayor will give his State of the City Address on January 29 at 7 PM at the Conference Center.

Council Member Anderson asked Ms. Owens to look into having appropriate music played in the building.

Ms. Owens noted that meetings on the transition to the new Courthouse are regularly held, and Chairman Robins asked that each Administrative Update include a report on the Courthouse.

Civil Engineer Robert Buzzelli reported that there is nothing new on the Lewiston Road Project, and a Capital Plan for streets is being discussed before being turned over to the Administration.

Council Member Fruscione noted the terrible condition of Pine Avenue in front of St. Joseph Cemetery, and Mayor Paul Dyster informed him that the Pothole Killer had worked on that area today, but that would not completely solve the problem, as a full repair job was necessary.

The Administrator also noted that there were no fire fatalities in the City during 2008.

Chairman Robins asked City Assessor Dominic Penale about the STAR Program, and Mr. Penale explained that the STAR exemption was expected to continue, but the STAR Rebate may be done away with.

Mayor Dyster informed the Council Members that January would be a milestone month for the City. He and the Administrator were invited to Albany for the Governor's State of the State Address, and he would be attending the US Conference of Mayors Meeting and the Presidential Inauguration. At the end of the month, he would be giving his State of the City Address.

The Mayor noted articles in a local newspaper about the need for ice time at area rinks, and a lengthy discussion followed on an outdoor rink in the City. The Mayor said that RFP's for the Ice Pavilion were due soon, he planned to meet with Tom Golisano, who was very supportive of ice rink sports, and the City's Youth Director could also look into the possibility of providing ice sports for local youth.

Council Member Walker asked the Mayor to include an update on the spending of Casino funds, including a long term plan, in his State of the City Address.

Council Member Fruscione noted the amount of cardboard that was on the premises of the Ashland property, and Inspections Director Guy Bax informed him that the current owner of the property had been cited for the dangerous conditions. Director of Business Development Fran Iusi also spoke on the issue.

Council Member Fruscione also asked Mr. Kay about the progress of renovations at the Hotel Niagara, and Mr. Kay replied that the developer still plans to have the hotel open for the 2009 tourist season, although there are electrical, plumbing and general contracting issues with the Project.

Mr. Kay also said that the Ice Rink Project of Joe Anderson has changed from a temporary to a permanent structure, and since the design now requires building permits, the project is developing more slowly.

In response to Council Member Fruscione, Mr. Bax reported that work on the Landlord Ordinance is moving along.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of three Items to be added to the Agenda:

1. A communication relative to a contract with Verizon for an enhanced 911 system at the new Municipal Services Building.

Council Member Fruscione 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 #10.

2. A communication relative to a change order in Demolition Contract CD 2008-1.

Council Member Walker 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 #11.

3. A communication relative to approval for overnight parking on 74th Street between Lindbergh and Girard Avenues.

Council Member Fruscione 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 #12.

This Session ended at 4:50 PM

Chairman Robins reconvened the Meeting at 7:02 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:

Ron Anderluh — Economic Development

The following was RECEIVED AND FILED:

MAYOR'S APPROVAL, ORDINANCE 2008-107

Agenda Item #1
Notice of Mayor's approval of ordinance 2008-107 relative to "Taxicabs and taxicab Drivers"

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

NF POLICE MOTOR VEHICLE THEFT GRANT

Agenda Item #2

RE: Approval of Niagara Falls Police Motor Vehicle and Insurance Fraud Prevention Grant in the amount of $43,260.00

The Police Department has received a grant of $43,260.00 for the calendar year 2009 under the above referenced grant program.

No City match is required.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any Agreements or other documents necessary to effectuate this?

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

Yeas	5
Nays	0
	APPROVED

CITY MARSHALS; RE-APPOINTMENT

Agenda Item #3

RE: Approval of reappointment of City Marshals to terms expiring on December 31, 2010

The City Council has designated Mr. Eugene Ochal and Mr. Frederick Pucci as City Marshals with terms expiring on December 31, 2008. It is recommended that these two individuals be reappointed to terms expiring on December 31, 2010.

They will continue to provide satisfactory insurance coverage naming the City as Additional Insured and their remuneration will continue to be limited to the fees they collect for service of process.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

ARBITRATION: CITY AND NF FIRE DEPARTMENT OFFICERS ASSOCIATION

Agenda Item #4

RE: Approval of additional funding in the amount of $9,289.80 in the matter of Arbitration between City of Niagara Falls and Niagara Falls Fire Department Officers Association

At your December 22, 2008 meeting you approved the appropriation of $79,704.20 from Fund Balance to fund there required reimbursements under the above referenced arbitration award.

The amount of reimbursements for three individuals were inadvertently left out of the calculation for that Council item and, therefore, it is requested that an additional sum of $9,289.80 be appropriated from Fund Balance to cover the remainder of this award.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, 2009-1

Agenda Item #5

Relative to designating The Niagara Gazette as the official newspaper

BY: All Council Members

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 2009, but such designation shall not thereafter lapse until superseded.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: NF TOURISM ADVISORY BOARD; CONTINUATION & APPOINTMENTS, 2009-2

Agenda Item #6

Relative to the continuation of the Niagara Falls Tourism Advisory Board and it's appointments

WHEREAS, the Niagara Falls Council by this Resolution, re-establishes the Tourism Advisory Board and by Resolution - set its membership at sixteen (16); and

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board during 2009.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York continues 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, 2009 for the expiration date which appears opposite their names:

APPOINTMENTS	**TERM EXPIRES:**
Adrienne Bedgood 2258 Niagara Avenue Niagara Falls, NY 14305 - 804-1858	12/31/2009
Vince Catanzaro 2756 Forest Avenue Niagara Falls, NY 14301 - 282-0707	12/31/2009
Denise Easterling 1306 Willow Avenue Niagara Falls, NY 14305 - 285-2642	12/31/2009
Jerauld Genova 757 Seymour Avenue Niagara Falls, NY 14305 - 957-4949	12/31/2009
Mark Mistriner Niagara Culinary Institute Niagara County Community College 3111 Saunders Settlement Road Sanborn, NY 14132	12/31/2009
Vince Mameli 462 - 77th Street Niagara Falls, NY 14304 - 283-5309	12/31/2009
Gay Molnar 2114 River Road Niagara Falls, NY 14304 - 285-3575 ext. 204	12/31/2009
Randy Umbriaco 837 - 15th Street Niagara Falls, NY 14301 - 285-7738	12/31/2009
Lisa Vitello 4859 Terrance Drive Niagara Falls, NY 14305 - 285-3184	12/31/2009

Yeas 5

Nays 0

ADOPTED

RESOLUTION: INVESTMENT POLICY, 2009-3

Agenda Item #7

Relative to adoption of Investment Policy for the City of Niagara falls

BY: Council Chairman Sam Fruscione

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 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: DR. MARTIN LUTHER KING, HONORING, 2009-4

Agenda item #8
Relative to honoring dr. Martin Luther King
BY: All Council Members
Whereas, the Rev. Dr. Martin Luther King Jr. was born January 15, 1929 and died April 4, 1968 from an assassins bullet. Our world, our nation, our city, our community suffered a tremendous loss; and
Whereas, the legacy of Dr. King who sacrificed in the struggle to create a just world, is important to all who seek to make America that sweet land of liberty; and
Whereas, the Rev. Dr. Martin Luther King Jr. who was considered our countries greatest advocate of nonviolent liberation went to Memphis to build a coalition to redirect our nations spending from fighting wars to creating jobs and ending poverty; and
Whereas, many wondered how the dream would survive without the dreamer, but history records that sadness and anxiety gave way to determination and action. So much so that 40 years after the human rights activist was assassinated, this country has elected the first African American President of the United States of America; and
Whereas, as we also recognize that there is much to be done, just as Dr. King did when in the wake of historic gains in civil and voting rights, he sought to direct our attention to the need for fundamental changes in the political and economic life of the nation, so that justice could truly prevail and opportunity could flow to every American.
Therefore, we the Niagara Falls City Council join our nation on January 19, 2009 in celebration of the Life and Legacy of the Rev. Dr. Martin Luther King Jr., and ask all citizens on this day and in his memory, to commemorate Dr. King's vision and at the same time, invigorate ourselves with resolve and forbearance to make his dream a reality from sea to shining sea.
Written by Councilman Charles A. Walker

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: AMENDING CHAPTER 1107 OF THE CODIFIED ORDINANCES, 2009-5

Agenda Item #9
Relative to Amending Chapter 1107 of the codified Ordinances Entitled "Permits, Fees and Certificates"
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 to read as follows:

1107.10 PERMIT FEES

11. Electrical Permit Fees

[Electrical Outlets - All Types of Occupancy.

1-5	$10.00 (with service installation inspection)	
6-15	$15.00 (with service installation inspection)	
16-30	$20.00 (with service installation inspection)	
31-50	$25.00	
51-100	$30.00	
101-200	$40.00	
201-300	$50.00	
301-400	$60.00	
For each additional 25 outlets or fraction:		$ 3.00
Minimum permit fee:	$ 30.00	
Service Installations:		
Up to 150 amps	$ 25.00	
Over 150 amps to 200 amps	$ 30.00	
Over 200 amps to 400 amps	$ 40.00	
Over 400 amps to 800 amps	$ 50.00	
Over 800 amps to 1,000 amps	$ 60.00	
Over 1,000 amps	$ 80.00	
Service installation fee includes (1) meter.		
Additional meters:	$ 15.00 each	
Existing service inspections:	$ 25.00]	

	Residential	Commercial	Industrial
Minimum Electrical Inspection	**$ 30**	**$ 50**	**$ 75**
Electrical Outlets			
-All types of occupancy			
1-10	**$ 10**	**$ 20**	**$ 30**
11-50	**$ 30**	**$ 50**	**$ 75**
51-100	**$ 50**	**$ 75**	**$100**
101-200	**$ 75**	**$100**	**$150**
For each additional 25 outlets	**$ 5**	**$ 10**	**$ 20**
Service Installations			
-One meter – one panel			
Minimum	**$ 50**	**$ 75**	**$100**
Up to 150 amps	**$ 50**	**$ 75**	**$100**
Over 150 amps to 200 amps	**$ 75**	**$100**	**$150**
Over 200 amps to 400 amps	**$100**	**$125**	**$200**
Over 400 amps to 1000 amps	**$150**	**$175**	**$250**
Over 1000 amps	**$225**	**$250**	**$500**
Additional meters	**$ 10**	**$ 15**	**$ 25**
Each additional panel	**$ 0**	**$ 15**	**$ 25**
Security and Fire Alarms	**$ 35**	**$ 50**	**$ 75**

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

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

Yeas 5
Nays 0
ADOPTED

CONTRACT: VERIZON, ENHANCED 911 SYSTEM

Agenda Item #10

RE: Approval of contract with Verizon New York for an enhanced 911 system at a cost of $289,764 and monthly maintenance of $1,868.00

We respectfully request you authorize the Mayor to sign a five-year lease with Verizon New York, Inc. for an enhanced 911 system for the new Municipal Services Building at a cost of $289,764.00 and monthly maintenance of $1,868.00.

We further request the Council authorize the use of 2007 Casino funds for the lease. Maintenance will be funded in the City's operating budget each year.

A copy of the agreement is attached(on file in the City Clerk's Office).

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

Yeas 5
Nays 0
APPROVED

CONTRACT CHANGE ORDER: NATIONAL VACUUM

Agenda Item #11

RE: Approval of Change Order #1 with national Vacuum in the amount of $15,872.00 with corrected Budget Code for 545 24th street

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

Yeas 5
Nays 0
APPROVED

TRAFFIC ADVISORY COMMISSION: 74th STREET, OVERNIGHT PARKING

Agenda Item #12
RE: Approval to install overnight parking on 74th Street between Lindbergh & Girard Avenues

At a Traffic Advisory Commission meeting held on December 10, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 74TH STREET BETWEEN LINDBERGH AVENUE & GIRARD AVENUE

A Petition from the residents of this block was received with 63.3% signatures.

Submitted By: Sharon Schmidt, 537 – 74th Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Fruscione 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 Robins adjourned the Meeting at 7:11 p.m.

Carol A. Antonucci
City Clerk

The first session of the January 26, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione – 4
Absent: Council Member Charles A. Walker - 1

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

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of January 5, 2009.

Yeas 5
Nays 0
APPROVED

In her Administrative Update, City Administrator Donna Owens reported that:

1. The Administration was working on a landscaping maintenance agreement for downtown.
2. The Governor's Plan for Youth Bureau funding is changing, the funding will be reduced, and may be administered as Block Grants to counties. She asked Youth Services Director Patricia Travis to address this issue, and Ms. Travis said that a petition drive will be started to ask that funding remain at the same level and be sent to municipalities rather than disbursed from the county level.
3. The Administration is recommending that the agreement with the vendor for the Golf Course Restaurant be terminated.
4. At the Ice Pavilion, the emergency lights have been replaced, and the type of doors to be used is being discussed. Chairman Robins requested that Council Member Fournier be included in discussions regarding the Ice Pavilion.
5. LiRo will prepare regular reports on the Courthouse Project, and Council Members are encouraged to attend the monthly meetings of LiRo and the Administration. The Council has received a list of furnishings for the building.

Mayor Paul Dyster said that funding is available for a roller skating park, and Council Member Anderson suggested that the project be kept simple.

Corporation Counsel Craig Johnson explained that the amendment to Agenda Item #6 relative to the Greens Restaurant was to terminate the present lease.

Council Member Fruscione moved to amend the Item as recommended.

Yeas 4
Nays 0
MOTION TO AMEND APPROVED

Mayor Dyster gave a corrected amount for Agenda Item #8 relative to furnishings for the new Municipal Services Building, and asked that the Agenda Item be appropriately amended.

Council Member Fruscione moved to amend the Item to reflect the corrected amount.

Yeas 4
Nays 0
MOTION TO AMEND APPROVED

Chairman Robins asked if the 30 trees had been removed that the Council had appropriated additional funding to cover. Director of Public Works David Kinney reported that the work had been completed within about a week's time, and said that an additional 71 trees had been identified as needing removal also. He asked that the Council appropriate the additional funding so that RFPs could be prepared to address these additional trees in conjunction with sidewalk replacements. Council Member Anderson asked if the new bucket truck that had been purchased could address larger trees, and Mr. Kinney responded that, even with the new equipment, some of the work should be contracted out.

Fire Chief William MacKay commended Captain Patrick Brown and his Platoon for the rescue from the Gorge and two major fires last week in which the Platoon was involved. The Chief has asked that if the persons rescued from the Gorge are found guilty of charges, that the City receive restitution for the expenses involved in the rescue.

Mayor Dyster spoke on his attendance at the Presidential Inauguration and the US Conference of Mayors. The Mayor will give his State of the City Address on January 29 at 6 PM at the Conference Center.

Council Member Fruscione noted that the pile of debris adjacent to the Ashland property is getting bigger, and Acting Director of Inspections Guy Bax reported that he has met with representatives of Ashland and the owner of the property. Mr. Bax will notify the owner of the property in the morning and set parameters and a time frame for the removal of the debris. Chairman Robins asked that Mr. Bax provide an update at the next Council Meeting.

Council Member Fruscione also asked about a survey that was requested for the Veterans Memorial, and Mayor Dyster said that Civil Engineer Robert Buzzelli will contact the architect for the project to see the easiest way to handle this.

Council Member Fruscione asked about basketball courts in the City, and recommended the area behind Abate School. Mayor Dyster responded that funding has been budgeted, and the Administration is discussing the use of this area with the Board of Education, and, also, considering using the South Jr. site for an additional half court.

Council Member Fruscione asked City Controller Maria Brown about funding for the Business Associations, and Mrs. Brown replied that no funding has been given since the process of submitting the required paperwork has not been completed.

Council Member Anderson questioned payment of parking fees to attend the Mayor's State of the City Address, and the Mayor said that he will issue a Press Release that parking fees will not be charged to attend this event.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of the Resolution to be added to the Agenda relative to Youth Bureau funding.

Council Member Fruscione moved to add the Resolution to the Agenda.

Yeas	4
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #12.

Mr. O'Donnell also explained Agenda Item #7, relative to amendments to the Courthouse Agreement.

This Session ended at 4:50 PM

Chairman Robins reconvened the Meeting at 7:02 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Robins asked those present to observe a Moment of Silence in honor and memory of Patsy MacKenna who was very active in many volunteer organizations throughout the City.

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

Ron Anderluh	Agenda Item #10
Nicholas D'Agostino	Agenda item #10
Ken Hamilton	Agenda item #8
Tony Scricco	Jobs at new Ashland Plant: resignation of Dan Vecchies; slots in Niagara Falls
Nicholas D'Agostino	need for Community Emergency Response team and Youth Services team; naming of New courthouse concession stand to honor his mother
Ken Hamilton	Frank Pannozza passing and Obama Inauguration

The following were RECEIVED AND FILED:
Agenda Item #1
Claims Report for December, 2009.

Agenda Item #2
City Clerk's Report for December, 2009

Agenda Item #3
Notice of Mayor's approval of Resolution 2009-5 relative to "Permits, Fees and Certificates".

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT AMENDMENT: USA NIAGARA, WEST MALL PROJECT

Agenda Item #4
RE: Approval of amendment to funding agreement with USA Niagara for West Mall Project

Last year the Council approved an Agreement with USA Niagara for the funding of the West Mall Reconstruction Project.

That Agreement provided for the City to receive the funding in a lump sum.

Due to the changing economic conditions, it is requested that the City receive funding in draws as payments to the contractor become due.

Will the Council authorize an Amendment providing for payments in this method and authorize the Mayor to execute same in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACTS: NIMAC, NIACAP, N.F. BEAUTIFICATION COMMISSION, N.F. BLOCK CLUB COUNCIL, NACC AND OSC21

Agenda item #5
RE: Approval of agreements with NIMAC, NIACAP, N.F. Beautification Commission, N.F. Block Club Council, NACC and OSC21

The 2008 budget contains appropriations of $2,500 for NIMAC; $25,000 for NIACAP; $5,000 for the Niagara Falls Beautification Commission; $10,000 for the Niagara Falls Block Club Council; $30,000 for NACC; and $10,000 for OSC21. In order to effectuate these, appropriation agreements with the respective agencies are required.

Will the Council authorize the Mayor to execute agreements in these respective amounts in forms acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: GREEN'S RESTAURANT, TERMINATION

Agenda Item #6

RE: Approval to terminate agreement for operation of Green's restaurant and settlement agreement with Green's tenant

The tenant in the above referenced premises has been declared by the City to be in default of its agreement with the City dated July 15, 2005, as amended (the "Agreement"). The tenant is alleged to owe approximately $12,499.96 in back rent. By correspondence dated December 10, 2008, the City notified the tenant and other involved parties of this default and gave them an opportunity to cure the default. The default has not been cured. Accordingly, it is requested that the Council terminate the tenant's rights pursuant to the Agreement.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

CONTRACT: BELLEVUE LOCAL DEVELOPMENT & CLP3 LLC, COURTHOUSE

Agenda Item #7

RE: Approval of two amendments to the General Development Agreement between Bellevue Local development and CLP3 LLC relative to the new courthouse

As the Council is aware in November of 2007 Bellevue Local Development entered into a General Development Agreement with CLP3 LLC to build the new Municipal Courthouse and Public Safety Building on Main Street. Simultaneously the City and Bellevue entered into the Public Safety Complex Purchase Agreement which provides for the City to provide the funding for the construction and, in return, receive ownership of the property at the end of the construction phase. These Agreements were subsequently ratified by the City Council at a special meeting in November of 2007.

At the time of execution, there were also two (2) Amendments to the General Development Agreement between Bellevue and CLP3 LLC, which made certain changes to the proposed Budget and also added to the developer's services the procurement of furniture, fixtures and equipment for both the Police Department and the Courts.

Through an oversight, these two (2) Amendments were not attached to the Development Agreement when it was presented to Council for ratification. The project has moved forward on the basis that these Amendments are in place; therefore, it is appropriate that they be ratified by Council. It is the recommendation of the Corporation Counsel's Office that these Amendments(on file in the City Clerk's Office) be ratified on behalf of the City.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

2007 CASINO FUNDS: MUNICIPAL SERVICES BLDG., FURNISHINGS

Agenda Item #8

RE: Approval to authorize the use of up to $502,416.00 in 2007 Casino Funds for furnishings for the new Municipal Services building

We respectfully request the Council authorize the use of no more than $502,416.00 of 2007 Casino funds for the purchase of furnishings for the new Municipal Services Building Of this amount, $465,200.00 is for the furnishings and $37,216.00 is the 8% fee payable to Ciminelli Development Co., Inc.(as per the terms of our agreement).

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

Yeas 5

Nays 0

APPROVED

EMPIRE ZONE: APPOINTMENTS

Agenda item #9

RE: Approval to reappoint eight members to the Empire Zone

Pursuant to the Empire Zone Local Law approved by Council 2001, the City Council appoints eight members of the Empire Zone Board. Each appointment is for a one year period. The appointments are to be made from a list submitted to the City Council by the Empire Zone Board Chairperson.

All of the current board members wish to remain for an additional year. Accordingly, Mrs. W. Lee Whitaker, Mr. Thomas Pryce, Mr. Paul Parise, Mr. Art Ray Sr., Mr. Abdul Labi, Mrs. Lucy Muto, Mr. Eddie Palmore and Mr. Thomas Bruss are proposed for reappointment to the Niagara Falls Empire Zone Board for 2008. Attached is a list of board members showing the areas which each member represents. Also attached(on file in the City Clerk's Office) are resumes for each individual.

Will the Council vote to appoint the eight individuals to the Empire Zone Board through December 31, 2009

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

Yeas 5
Nays 0

APPROVED

RESOLUTION: GILL CREEK PARK LIGHTING, APPLICATION, 2009-6

Agenda Item #10

Relative to Niagara River greenway Commission Application for Gill Creek Park Lighting

WHEREAS, the City of Niagara Falls has applied for and received Niagara River Greenway Commission consistency review for a project to install an electrical service and lighting for Gill Creek Park with a total cost of $101,790; and

WHEREAS, application will be made to the Host Community Standing Committee for 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: CENTENNIAL CIRCLE, APPLICATION, 2009-7

Agenda Item #11

Relative to Niagara River Greenway Commission Application for improvements to and dedication of Centennial Circle

WHEREAS, the City of Niagara Falls has applied for and received Niagara River Greenway Commission consistency review for a project to make improvements to an existing traffic roundabout and dedicating it to honor the one-hundredth anniversary of the Boundary Water Treaty of 1909 with a total cost of $335,000; and

WHEREAS, application will be made to the Host Community Standing Committee for 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: YOUTH BUREAU FUNDING, 2009-8

Agenda Item #12
Relative to Youth Bureau Funding
BY: Council Chairman Chris Robins

WHEREAS, since the inception of the Youth Bureau System in 1965, New York State has been a national leader in youth development and prevention and intervention services; and

WHEREAS, State aid has been provided through Executive Law Section 420; and

WHEREAS, the Governor has proposed to change the method of funding from direct funding to municipal youth bureaus to a system of block grants to counties; and

WHEREAS, this system will decrease the funding to municipal youth bureaus.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it requests the State Legislature and the Governor to continue the current method of funding for municipal youth bureaus; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to forward certified copies of this resolution to Governor David A Paterson, Senators Malcolm A. Smith, Carl Kruger, Velmanette Montgomery, George Maziarz and Antoine Thompson, and to Assembly Speaker Sheldon Silver and Assembly Members Herman D. Farrell, Jr., William Scarborough and Francine DelMonte.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 7:35 p.m.

Carol A. Antonucci
City Clerk

The first session of the February 9, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of January 26, 2009.

Yeas	5
Nays	0
	APPROVED

Chairman Robins asked those present to observe a Moment of Respect and Reflection in honor of the two Police Officers who were injured while on duty over the weekend, and all City workers who faced dangerous conditions.

Leonard DePrima of LiRo gave an update on the Courthouse Project. He reported that the project in on schedule to be completed by the end of March, the transition team meets regularly, and the final costs should be just under $47M. Chairman Robins suggested that the Council take a walk thru in April.

In her Administrative Update, City Administrator Donna Owens asked Superintendent of Police John Chella to report on the violence over the weekend involving Police Officers. Alongwith his report, the Chief said that the number of reported incidents of domestic violence is up, and his Department is working with various agencies on these issues.

The Administrator also reported that:

1. The Courthouse Transition Team is working diligently with Martha Lincoln to make the move seamless, and the Council will receive weekly updates.
2. The Ice Pavilion RFP has been sent out, and safety issues are being addressed at the building. Council Member Fruscione suggested posting a sign to notify those who come into the building that renovations are in progress. Council Member Fournier asked if Tom Golisano was approached while he was in the City last week, and Mayor Paul Dyster noted that the City is waiting for the return of the RFP, and then the City will contact all those who might be interested for their input on the use of the building, including the New York Power Authority and the Board of Education.
3. The RFPs for the Greens Restaurant will be opened on February 27, and Purchasing Agent Dean Spring explained the RFP process, and said that four parties have expressed an interest. In response to Council Member Anderson, he noted that the RFP was for seasonal operation of the restaurant, during the time the Golf Course would be open.

City Administrator Owens asked Director of Economic Development Peter Kay to address:

1. The Ashland Plant – work is progressing, and former employees will be rehired first.
2. Former SGL Carbon Site – Director of Inspections Guy Bax reported that a certified letter had been sent to the owner regarding the property, and no Letter of Intent had been submitted back to him.

3. NCCC Culinary Arts – the use of a piece of City property has been requested for the project, and the attorneys for the college and the Crowne Plaza are working on the details. Mr. Bax also spoke on Phase 1 and Phase 2 of the Project.

4. United Office Building – the project is on schedule, the hotel portion is being worked on, and apartments are being rented in the building.

5. Hotel Niagara – on schedule to open in mid to late summer.

6. Crowne Plaza – the hotel itself is a separate partnership and is not part of the bankruptcy filing.

Mr. Kay also responded to Chairman Robins that no problems have been reported for the NTCC Information/Visitors Center.

The Administrator also reported that City crews are working on potholes due to the break from snow fighting, and the Pothole Killer will again be working in the City starting Tuesday. Director of Public Works David Kinney spoke on street conditions in response to the concerns of Council Member Walker about the Tenth Street area by the hospital. The Administrator said that the funding from the new Administration in Washington was needed to rebuild the City's infrastructure.

Civil Engineer Robert Buzzelli responded to Chairman Robins that the Lewiston Road Project was ready to go, and the tennis court repairs should be done by the fall season.

City Controller Maria Brown noted that Casino funds should be received in the spring and fall, and some of the funding had already been earmarked for Capital Projects.

Deputy Corporation Counsel Thomas O'Donnell responded to Council Member Fruscione that the City's switch in insurance brokers would result in a decrease in costs to the taxpayers, with no increased risks.

Corporation Counsel Craig Johnson informed Council Member Fournier that he had met with the School District representatives regarding the basketball court project.

This Session ended at 5:05 PM

Chairman Robins reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fruscione and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

David Fabrizio gave a short presentation and update on the Veteran's Memorial Commission.

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

Cyndi Stonebraker	Agenda Item #7
Diane Tattersall	South Junior playground
Michael Henderson	South Junior playground
Ken Hamilton	Agenda issues;basketball court at Hyde Park;Library floor repairs

The following was RECEIVED AND FILED:
Agenda Item #1
Claims Report for January, 2009.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FM COMMUNICATIONS, INC.,RADIO CONSOLE SYSTEM

Agenda Item #2

RE: Approval of Bid #1-09 for a Radio Console System for E-911 and dispatching at the new Municipal Services Building in the amount of $209,737.05

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

TO: FM Communications, Inc.
1914 Colvin Boulevard
Tonawanda, NY 14150

FOR: Radio Console System for E-911 and Dispatching
at the new Municipal Services Building: $209,737.05

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 five (5) vendors. Two (2) bids were received. Kenilworth Electronics Co. submitted a bid of $224,199.00.

We also request the Council authorize the use of 2007 Casino funds for this expenditure.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: JOE JOHNSON EQUIPMENT, INC., STREET SWEEPERS

Agenda Item #3

RE: Approval of Bid #2-09 for three Elgin Pelican Street Sweepers in the amount of $442,605.00

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

TO: Joe Johnson Equipment, Inc.
62 LaGrange Avenue
Rochester, NY 14613

FOR: Three (3) Elgin pelican street sweepers: $147,535.00 ea.
$442,605.00

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 two (2) companies. One (1) bid was received.

Funds for this expenditure are available in the 2008 Capital budget code: H0820.2008.0820.0230.000 ($147,535.00) and the 2009 Capital budget code: H0912.2009.0912.0230.000 ($295,070.00).

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

Yeas 5
Nays 0
APPROVED

CONTRACT: SATARIAN AUTO PARTS, TOWING ABANDONED VEHICLES

Agenda Item #4
RE: Approval of Bid #3-09 for towing of abandoned vehicles at a bid price of $101.00 per vehicle
We respectfully request you award the above referenced bid as follows:
TO: Satarian Auto Parts
4250 Witmer Road
Niagara Falls, NY 14305
FOR: Towing of abandoned vehicles within the City: $101.00/vehicle
The price given is what is to be paid to the City for removal of the vehicles.
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 four (4) vendors. Bids were also received from Niagara Metals LLC ($90.00 per vehicle) and Page's Automotive ($75.30 per vehicle).
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

MUNICIPAL SERVICES BLDG., VOICE & DATA COMMUNICATIONS FUNDING

Agenda Item #5
RE: Approval of voice & Data Communications funding for the new Municipal Services building
We respectfully request the Council authorize the use of no more than $43,207.00 of 2007 Casino funds for costs related to voice and data communications that will be incurred as a result of the move to the new Municipal Services Building.
The total costs are not expected to exceed $140,207.00. However, $97,000.00 is still available from the 2004 Capital budget reserved for improvements to the City's telecommunications system. Therefore, no more than $43,207.00 from 2007 Casino funds will be needed.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: SUPERIOR LUBRICANTS CO., INC., OILS & Lubricants

Agenda Item #6
RE: Approval of Bid #6-09 for oils and lubricants with Superior Lubricants co., Inc.
We respectfully request you award the above referenced bid as follows:
TO: Superior Lubricants Co., Inc.
32 Ward Road
North Tonawanda, NY 14120
FOR: Item #'s 1 thru 11 per the attached(on file in City Clerk's office) tally sheet.
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 Three (3) vendors. Two (2) bids were received. The above referenced companies submitted the overall low bid.
Funds for these expenditures are available in the Central Garage code: MV0055.0000.0414.000.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: NIAGARA FINE ARTS PROGRAM, INC., MEMORIAL DAY PARADE & SUMMER CONCERT SERIES

Agenda Item #7

RE: Approval of agreement with Niagara Fine Arts Program, Inc. for Memorial Day Parade and Summer Concert series in the amount of $29,000.00

Niagara Fine Arts Program, Inc. has once again organize and provide a Memorial Day Parade as well as it's Concert Programs during the months of July and August on Friday evening in the Downtown area and on Sunday evenings at the steps of the NACC. The cost to the City for the Memorial Day Parade will be $5,000.00 and the cost to the City for the Concert Programs on Friday evenings in the Downtown will be $12,000.00 and the cost to the City of the Concert Series on Sunday evenings will be $12,000.00.

$20,000.00 is available in the Concert line of the Tourism budget (.0449.068), and $9,000.00 is available in the Tourism Fund balance (.4999.000).

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

Council Member Walker moved that the communication be tabled

Yeas 5

Nays 0

TABLED NO ACTION TAKEN

CITY HALL RESTROOM ADA COMPLIANCE, FUNDING

Agenda Item #8

RE: Approval to appropriate $13,000.00 from casino funds for purchase of equipment to make City Hall restrooms ADA Compliant

To make the ground floor public restrooms in City Hall ADA compliant it requires a number of Capital expenditures but the work can be done in- house prior to the Spring Season. Therefore, it is requested that $13,000.00 be appropriated from casino funds to fund the equipment purchases for this project.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

1801 SOUTH AVENUE, REFUND OF AUCTION PRICE

Agenda Item #9

RE: Approval to refund $1,780.17 to Hilda and Jackie Rogers for property purchased at auction that was inadvertently not removed from list and structure demolished

At the June, 2007 City Auction the above-referenced property was purchased by Hilda and Jackie Rogers. At the time of the purchase there was a structure on the property. This property was inadvertently left on the auction list even though it was subject to demolition and shortly after the Rogers purchased the property the structure was demolished by a City contractor.

Due to this, it is recommended that the Rogers purchase price and property tax payments in the total amount of $1780.17 be refunded to them.

The Rogers will deed the property to the City of Niagara Falls and execute a general release in a form acceptable to the Corporation Counsel.

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

CONTRACT: SAL MAGLIE STADIUM USE PERMIT, AMENDMENT

Agenda Item #10

RE: Approval to amend Sal Maglie Stadium Use Permit agreement with the School Board by deleting utility costs for June, July and August

The Use Permit between the City and the Board of Education provides for the Board to pay utility costs for the stadium.

The Board has requested that the utility costs for the months of June, July and August when the District does not use the Stadium be deleted from the Agreement.

Based on the mutual benefits to the City and the Board of this relationship it is recommended that this request be approved and that the Mayor be authorized to sign an Amendment in a form acceptable to the Corporation Counsel.

Will the Council so approve?

Council Member Fruscione moved that the communication be amended to appropriate funds from fund balance for June, July and August.

Yeas 5

Nays 0

APPROVED

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

Yeas 3

Anderson, Fournier, Walker

Abstained 2

Fruscione, Robins

APPROVED AS AMENDED

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #11

RE: Approval of agreements with Niagara County Office of the Aging for use of space in LaSalle facility

Annually the City enters into agreements with the Niagara County Office for the Aging to allow the County to lease space in the LaSalle Facility for the operation of its nutrition site in exchange for annual lease payments totaling $2,431.00, and to reimburse the City in the amount of $9,025 for the City's operation of an information and assistance services program.

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

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

Yeas 5

Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE PLANNING BOARD

RECEIVED AND FILED

Agenda Item #12

RE: Recommendation to amend Zoning Map to change 3001 Ninth Street, 3216 Highland Avenue and 3226 Highland Avenue from C-3 to R-3

RESOLUTION: PINE AVENUE BUSINESS ASSOCIATION ANNUAL DINNER, 2009-9

Agenda Item #13
Relative to the Pine Avenue Business Association Annual Dinner
BY: All Council Members
WHEREAS, on March 7th, 2009, the Pine Avenue Business Association will conduct its annual Director's Dinner Dance; and
WHEREAS, **McDonalds** will be honored as the Business of the Year; and
WHEREAS, **Lucy Muto** will be honored as the Business Person of the Year; and
WHEREAS, **Michael Cimino** will be the recipient of Pine Avenue's Biggest Asset Award; and
WHEREAS, **Zach Andrejcak**, **Gail Bimont**, **Detective Shawn Bosi**, **Clarence Bradley**, **Zach Casale**, **Judge Frank Caruso**, **Lisa Routhier**, **Matthew Zacher** will be the recipients of PABA's Community Service Award; and
WHEREAS, **Pete's Market House** will be the recipient of the Lifetime Achievement Award; and
WHEREAS, **Univera Health Care** will be the recipient of the President's Award.
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of Pine Avenue Business Association's 2009 Business and Community Service Awards.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENTS, 2009-10

Agenda Item #14
Relative to Reappointment to the Tourism Advisory Board
BY: Council Member Sam Fruscione
BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Tourism Advisory Board effective immediately for the expiration date, which appears opposite their names:

REAPPOINTMENT	**TERM EXPIRES:**
Laurie Davis 1316 – 24th Street Niagara Falls, NY 14301 285-9681	12/31/2009
Bob Drozdowski 2554 Falls Street Niagara Falls, NY 14303 940-4525	12/31/2009

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: YOUTH BUREAU APPOINTMENTS, 2009-11

Agenda Item #15

Relative to Appointments to the Niagara Falls Youth Bureau

BY: Council Chair Chris Robins

BE IT RESOLVED, that the following individuals are hereby appointed to the

City of Niagara Falls Youth Bureau effective immediately for the expiration date, which appears opposite his/her name:

APPOINTMENT	**TERM EXPIRES:**
Bryan M. Rotella 2453 Woodlawn Avenue Niagara Falls, NY 14301	12/31/2011
Noreen Chatmon 444 Memorial Pkwy Niagara Falls, NY 14303	12/31/2010
Youth Appointment:	
Ashley LaSota 919 - 92nd Street Niagara Falls, NY 14304	12/31/2009

Yeas 5

Nays 0

ADOPTED

RESOLUTION: COUNCIL MEETING TIME CHANGE, 2009-12

Agenda Item #16

Relative to time change for the Monday, February 23rd Regular Council Meeting

BY: Council Chair Chris Robins

BE IT RESOLVED, By the City Council of the City of Niagara Falls, New York, that the regular Council meeting on February 23rd, 2009 will commence immediately following the conclusion of the 4pm Committee of the Whole Meeting.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: AMENDING CODIFIED ORDINANCE OFFICIAL ZONING MAP IN SECTION 1306.04, 2009-13

Agenda Item #17

Relative to Amending Zoning Map in section 1306.04 of the Codified ordinances

WHEREAS, the Niagara Falls Planning Board has received a request to rezone certain property; and

WHEREAS, the Planning Board held a public hearing on such request and has voted to recommend this change to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the boundaries shown on the City's Zoning Map adopted pursuant to Section 1306.04 of the Codified Ordinances, is hereby amended to change the properties located at 3001 Ninth Street, Niagara Falls, New York (SBL #144.06-1-1), 3226 Highland Avenue, Niagara Falls, New York (SBL #144.23-1-1) and 3216 Highland Avenue, Niagara Falls, New York (SBL #144.23-1-52) from their current classification district of Heavy Commercial (C-3) to Multi-family Residential (R-3).

Yeas 5

Nays 0

ADOPTED

Chairman Robins asked those present to keep in their prayers the police officers and victim involved in the domestic violence incident over the weekend.

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci
City Clerk

The first session of the February 23, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:03 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Walker moved to approve the Minutes from the City Council Meeting of February 9, 2009.

Yeas	5
Nays	0
	APPROVED

Fire Chief William MacKay demonstrated a talking robotic dog that will be used by the Department to talk to children about fire prevention. A contest will be held for children to name the dog, and the Chief thanked Robert Antonucci of the Community Development Department for securing funding for the purchase of the dog.

City Administrator Donna Owens informed the Council Members that Mayor Paul Dyster was in Albany for the NYCOM Meeting.

The Administrator provided the following updates:

1. At the last transition meeting for the Courthouse, the E911 system and furniture tagging were discussed. Also, maintenance employees will be trained to work in the building.
2. The RFPs for consultant services on use of the Ice Pavilion have been returned.
3. Public Works Director David Kinney spoke on street paving and potholes. He is working with Civil Engineer Robert Buzzelli on in house street projects. Chairman Robins asked about Council input on the list of streets to be worked on, and a lengthy discussion followed. It was suggested by the Council Members that Mr. Kinney look into the possibility of closing certain street blocks for a few hours at a time in order to fix all the potholes on that street, adding additional work crews to fix streets, and paving the residential section of Buffalo Avenue with some of the funding earmarked for Pine Avenue.
4. There is an ongoing Economic Development study on downtown parking, and the 2 hour parking limit is being enforced.
5. The final status report on parking meters was given by the Administrator to the Mayor, and she will give a copy of the report to the Council Members.

Chairman Robins asked about the status of the City Engineer position, and the Administrator and Human Resources Director Joyce Mardon-Serianni responded that the candidate has completed some of his pre-employment processing, and will begin serving in his position some time in March.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of an Item to be added to the Agenda relative to Concert Programs.

Council Member Fruscione moved to add the Item to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD ITEM TO AGENDA APPROVED

The Item was added to the Agenda as #9.

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

Yeas	5
Nays	0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

Council Member Fruscione moved to amend the item by deleting references to a Memorial Day Parade and changing the funding to use $20,000 from the Tourism Concert line and $4,000 from the Tourism fund balance.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

This Session ended at 4:30 PM

Chairman Robins reconvened the Meeting at 4:42 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Robins explained the change in the meeting time was to allow Council members to travel to Albany to lobby Legislators on behalf of the City.

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

Ron Anderluh	Street paving in Niagara Street Business Area
Brigitte Shackleton	Boom Day Event
Dawn & Mark Dominguez	Operation of Green's Restaurant
Charles Knoll	Street paving equipment; Brownfield development; Disney Attraction in Niagara Falls; Offered himself as free consultant in Tourism Matters
Michael Eagler	Requested funding for N.F. Rebels Traveling Baseball Team

The following were RECEIVED AND FILED:

Agenda Item #1

City Clerk's Report for January, 2009.

Agenda Item #2

Notice of Mayor's approval of resolution 2009-13 relative to amending official Zoning Map, Section 1306.04 of the Codified ordinances

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT EXTENSION: WENDEL-DUCHSCHERER, ARCHITECTS AND ENGINEERS, INC.

Agenda Item #3

RE: Approval of contract extension with Wendel-Duchscherer, Architects & Engineers, Inc. for $495,000.00 relating to Customhouse Restoration

A contract for consultant services for the above referenced project was awarded to Wendel-Duchscherer, Architects and Engineers, Inc. (WD), 95 John Muir Drive, Suite 100, Amherst, New York by City Council on July 25, 2005, and dated January 3, 2006, in the amount of $1,200,000.00.

Total funding of $2,500,000.00 is available through Federal FY 2004 Transportation Appropriation, Section 115 Funds of which, $1,950,000.00 is authorized by New York State Assistance Contract No. D017307. The City's reimbursement is 100 percent. No local matching funds are required.

Subsequent to the award of the original contract with Wendel Duchscherer A&E Inc., *Design Approval* has been secured for the Project from NYS-DOT. The original Federal grant anticipated a full scope of design and engineering work, including preliminary engineering, which is a pre- Design Approval activity, and contained under the original contract scope of work. Additionally, the Federal grant anticipated final design, engineering, and related pre-construction activities, which are post- Design Approval and are contained within this current contract extension scope of work. The current proposed scope of work involves final design and construction services necessary to implement Customhouse Restoration among other tasks, such as R-O-W incidentals. Therefore, it is the recommendation of the undersigned that the contract in the amount of $495,000.00 be approved.

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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

LASALLE BOOM DAYS FIREWORKS

Agenda Item #4

RE: Approval of agreement for Boom Days Fireworks in the amount of $1,000.00

It is again recommended that the City participate in the Boom Days festivities by providing $1,000.00 to cover the cost of the fireworks on April 18, 2009.

Funding would come from the Tourism Fund balance.

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

Council Member Fournier 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

Agenda Item #5

RE: Approval of Commissioner of Deeds Appointments for a term from April 1, 2009 thru March 31, 2011

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2009 to March 31, 2011.

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

Alexis, Angel	Engineering Dept.
Altman, Michele	764 Van Rensselaer Ave., Niagara Falls, NY 14305
Alvarez, Lorrie	NFPD
Baldwin, Kathleen M.	839-17th St., Niagara Falls, NY 14301
Brooks, Alan F.	707 Pletcher Rd., Lewiston, NY 14092
Caso, John P.	Department of Parks and Public Works
Chiarenza, Mary Jo	City Court
Crea-Smith, Maria A, M.D.	5252 Lewiston Rd., Lewiston, NY 14092
Dyster, Rebecca	626 Orchard Parkway, Niagara Falls, NY 14301
Etopio, Thomas J. Jr.	NFFD
Galie, James C. Jr	NFPD
Gallo, Janet	1822 Hyde Park Blvd., Niagara Falls, NY 14305
Garde, Edward	739 Pasadena Ave., Niagara Falls, NY 14304
Godzisz, Stephen	1822 Hyde Park Blvd., Niagara Falls, NY 14305
Gray, Carol Ann	138-59th St., Niagara Falls, NY 14304
Houghton, David C	521-29th St., Niagara Falls, NY 14301
Jain, Ragini	NF Housing Authority
James, David	4660 Perry Ct. Lewiston, N.Y. 14092
Kasper, Theresa	Parks Department
Kelly, Michelle D.	6921 Nash Road, N. Tonawanda, NY 14120
Lewis, Michael	800 Maple Ave., Niagara Falls, NY 14305
Lipniarski, Deborah	2709 Woodlawn Ave. Niagara Falls, NY 14301
McCune, Patricia	NFPD
Mondi Sr., Anthony	438-12th St., Niagara Falls, NY 14303
Muto, Rozanne	NF Housing Authority
Paonessa, Nicholas	NFPD
Pennell, Bobbie J.	8532 Krull Parkway, Niagara Falls, NY 14304
Pluff, Daniel J.	4672 Lockport Rd., Lockport, NY 14094
Restaino, Anthony Jr.	2478 Forest Ave., Niagara Falls, NY 14301
Restaino, Diana M.	826 College Ave., Niagara Falls, NY 14305
Reynolds, Janice	2490 South Ave., Niagara Falls, NY 14305
Rippo, Anthony V.	765 Oneida St., Lewiston, NY 14092
Roscetti, Paula	4656 Perry Ct., Lewiston, NY 14092
Sandonato, Fifi	4607 Creek Rd., Lewiston, NY 14092
Santiago, William E.	DPW
Schintzius, Edward	3080 Upper Mountain Rd., Sanborn ,NY 14132
Schultz, Paul T.	909 Thomas Fox Dr. West, N. Tonawanda, NY 14120
Shaffer, Brian W.	1401 Lafayette Ave., Niagara Falls, NY 14305
Smith, Margaret Ann	410-74th St., Niagara Falls, NY 14304
Smith, Pamela	628 Chestnut Ave., Niagara Falls, NY 14305
Tomala, Louella	Office of the City Clerk
Trane, Michael	NFPD
Travis, Jane M.	Law Department
Ubriaco, Randal S	837-15th St., Niagara Falls, NY 14301
Viola, Jocelyn	USA Niagara 222-1st St. -7th Floor , Niagara Falls, NY
Virtuoso, Dennis	Department of Inspections

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

Yeas 5

Nays 0

APPROVED

RESOLUTION: JEX, PFC. ALBERT R., HONORING MEMORY, 2009-14

Agenda item #6
Relative to Honoring the memory of Pfc. Albert R. Jex
BY: All Council Members

WHEREAS, on Army Pfc. Albert R. Jex, 23, who grew up in Lockport, New York, was among four American soldiers killed in a suicide car bombing on Monday, February 9th, 2009 in Iraq; and

WHEREAS, the attack took place as U.S. Military vehicles were passing an Iraqi police checkpoint in the northern city of Mosul, Iraq's third largest city and the last major urban battleground in the war against al-Qaida and other Sunni insurgents; and

WHEREAS, Albert attended Dewitt Clinton and John Pound elementary schools and stayed with his parents while attending Lockport High School. He was a volunteer junior fireman at South Lockport Fire Company; and

WHEREAS, Albert moved to Phoenix after leaving Lockport High School and decided to enlist in the Army in 2007. He had basic training at Fort Knox, Ky. and joined the Third Battalion, 8th Calvary Regiment in Fort Hood, Texas. He was sent to Iraq on December 12th, 2008 as a bodyguard for ranking officers. It was his first deployment. He is believed to be the 37th person with ties to Western New York to die in the Iraq and Afghanistan wars; and

WHEREAS, according to his family, Albert always wanted to go in the Army ever since he was 16, when 911 happened. He was labeled as an "Olcott Street Kid," one of many who grew up in the close-knit Lowertown neighborhood in Lockport.

NOW THEREFORE BE IT RESOLVED by the City Council of Niagara Falls, New York that we hereby honor the memory of Pfc. Albert Jex, a native of Niagara County; and send condolences to his family and friends.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CALLING FOR PUBLIC HEARING TO AMEND CITY CHARTER RELATIVE TO "RESIDENCY OF EMPLOYEES", 2009-15

Agenda Item #7
Resolution calling for a public hearing to Amend City Charter relative to Amending Local Law #7-1984 and Local Law #3-1996 entitled "Residency of Employees"
By: All Council Members

RESOLVED, that Local Law No. ____ for the year 2009 be introduced, and that a public hearing be held on such Local Law on the 9th day of March, 2009 at 7:00 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 amending Section 5 entitled "Breach of Residency Requirement" of Local Law #7 for the year 1984 and Local Law #3 for the year 1996 entitled "Residency of Employees".

Yeas 5
Nays 0
ADOPTED

RESOLUTION: AMENDING CHAPTER 1121 OF THE CODIFIED ORDINANCES ENTITLED "SIGNS AND BILLBOARDS", 2009-16

Agenda Item #8

Relative to Amending Chapter 1121 of the Codified Ordinances entitled "Signs and Billboards"

BY: Council Member Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1121 of the Codified Ordinances entitled ASigns and Billboards" is hereby amended by amending Section 1121.05 entitled "Zoning" to read as follows:

1121.05 ZONING

A. Signs Permitted in Residential Zoning Districts

• • •

B. Signs Permitted in Commercial Zoning Districts

1. General Provisions

• • •

h. A maximum of ten (10) new billboards and ten (10) rooftop signs will be allowed on properties in the commercial districts fronting on Pine Avenue **[or]** **,** Niagara Falls Boulevard **or Niagara Street between Third Street and Portage Road**. A permit fee of $2,000 is required. An annual inspection fee of $500 is required for rooftop signs. The new billboards will comply with the provisions of Section 1121.05(c) **with the exception that the new billboards may be no closer than one hundred feet (100') rather than the 1,000 feet required by Section 1121.05(c)(2)(b)**. The new rooftop signs will comply with the requirements in subsection g.

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

Yeas	5
Nays	0
	ADOPTED

CONTRACT: NIAGARA FINE ARTS PROGRAM, INC., SUMMER CONCERTS

Agenda Item #9

RE: Approval of agreement with Niagara Fine Arts Program, Inc. for Summer concert programs for the amount of $24,000.00

Niagara Fine Arts Program, Inc. has it's Concert Programs during the months of July and August on Friday evening in the Downtown area and on Sunday evenings at the steps of the NACC. The cost to the City for the Concert Programs on Friday evenings in the Downtown will be $12,000.00 and the cost to the City of the Concert Series on Sunday evenings will be $12,000.00.

$20,000.00 is available in the Concert line of the Tourism budget (.0449.068), and $4,000.00 is available in the Tourism Fund balance (.4999.000).

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

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

Yeas	5
Nays	0
	APPROVED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 5:12 p.m.

Carol A. Antonucci
City Clerk

The first session of the March 9, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:03 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of February 23, 2009.

Yeas	5
Nays	0
	APPROVED

Leonard DePrimo of LiRo gave a Courthouse Update, and said that the Transition Team continues to meet, and the building is within a month of completion to be turned over to the City. To date, $40M has been spent, and the total cost of the building will be approximately $46.9M.

During her Administrative Update, City Administrator Donna Owens reported that:

1. Mayor Paul Dyster is in Albany, where he has been invited to attend the Governor's Rail Plan announcement.
2. The RFP's for the Hyde Park Ice Rink will be reviewed by Purchasing Agent Dean Spring and the City's consultant.
3. Director of Public Works David Kinney and Civil Engineer Robert Buzzelli are working on a prioritized list of streets that need repairs. Chairman Robins asked that the Council Members have the opportunity to review the list and offer suggestions.

Council Member Anderson said that he had asked NFTA bus drivers and City cab drivers to submit lists of streets that need repairs. Council Member Fournier asked about the City website to report potholes, and City Administrator Owens responded that there is a "Request for Service" form on the website. Council Member Fournier then asked that the City's website give an update on pothole repairs for the citizens. Council Member Walker asked if a plan has been reviewed for pothole repairs, and a lengthy discussion followed on the street repair machine that was purchased during the previous Administration but is not being used. Mr. Kinney said that Purchasing Department staff is looking into selling the machine, and Mr. Kinney was directed to research hiring a crew that is familiar with the machine to put it into use. Council Member Fournier asked that street repair employees receive training again on proper procedures.

Council Member Fournier asked when the new City Engineer will begin, and the Administrator responded that he would start on March 30. The Council Members asked to meet the new Engineer.

Council Member Fruscione asked Mr. Buzzelli if the survey for the Veterans Memorial had been started, and Mr. Buzzelli responded that Stephenson Park was being done at the present time, and the Veterans Memorial would be done after the Park survey was finished.

Council Member Anderson noted to Mr. Buzzelli about the manhole repairs that still needed to be done on 77th Street, and Mr. Buzzelli replied that the work would be completed before the contractor was paid in full.

Council Member Fruscione moved to amend Agenda Item #19 to correct the expiration of the term of George Kralick to 12/31/2011.

Yeas 5
Nays 0

MOTION TO AMEND APPROVED

Deputy Corporation Counsel Thomas O'Donnell distributed copies of three Items to be added to the Agenda:

1. A communication relative to reprogramming CD Block Grant Funds for the New Jerusalem Boy's Reporting Center.

Council Member Fruscione 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 #25.

2. A communication relative to appropriating Casino interest funds to purchase equipment for the Fire Department.

Council Member Fruscione 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.

3. A Resolution relative to the Economic Stimulus Plan.

Council Member Fruscione 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 #27.

Chairman Robins questioned the funds to be given to the Red Coach Inn (Agenda Item #3), and he was informed that the Council vote was to transfer the funds to NFC, and then NFC would vote on whether to give the funds to the Red Coach Inn. Council Member Anderson suggested that giving funding such as this should be discussed by the NFC Members.

Council Member Anderson questioned Mr. Spring on the single bid received for the operation of the Greens Restaurant (Agenda Item #7). Mr. Spring informed him that the RFP was sent out, interest was expressed by seven persons, and advertising was done in the local newspaper as well as on the City's website, and only one bidder responded by the deadline. Mr. Spring also said that the Greens Restaurant has gas and electric meters that are separate from the rest of the Golf Course, and he had asked National Grid to do an energy audit at the restaurant.

Council Member Fruscione asked Mr. O'Donnell about a possible conflict of interest for the City's Historian to accept a grant for performing consultant services (Agenda Item #8), and Mr. O'Donnell responded that he would look into it before the Council voted on the Item at the Evening Session.

Chairman Robins asked for an explanation of Agenda Item #12, relative to upgrading an Auditor position, and City Controller Maria Brown responded that a person from her Department would be taking on some of the duties of the person who was retiring from the position in the Community Development Department.

This Session ended at 4:45 PM

Chairman Robins reconvened the Meeting at 7:02 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Robins who then led the gathering in the Pledge of Allegiance to the Flag.

Chairman Robins announced a Special Order of Business, a Public Hearing relative to Amending the City Charter relative to amending Local Law 1984-7 and Local Law 1996-3 entitled "Residency of Employees". The following spoke:
Joe LaGamba
Jim Anthony

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

Mark Dominguez	Agenda Item #7
Ron Mang	Agenda Item #7
Ken Hamilton	Agenda Item #7 & #24
Elliott White	Agenda Item #17-asked for independent outside audit of NTCC
Larry Wolfgang	radiation on Lewiston Road
Ken Hamilton	City welcome signs;implement City Stat; Gov. Paterson spending; State money given to City
Michelle Vanstrom	Main Street concerns; removal of Robert Moses Parkway

The following was RECEIVED AND FILED:
Agenda Item #1
Claims Report for February, 2009.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DIDONATO ASSOCIATES, HYDE PARK ICE RINK PROJECT

Agenda Item #2
RE: Approval of contract with DiDonato Associates for consultant services for Hyde Park Ice Complex at a cost of $294,822.00
Based on the New York State Department of Transportation mandated merit selection process, please be advised that DiDonato Associates has been selected as the City's Consultant on the above noted project.
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 $294,822.00. Funding is available through 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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

GRANT: RED COACH INN

Agenda Item #3

RE: Approval of $50,000.00 Casino Revenue Grant to Red Coach Inn for capital renovations

The Red Coach Inn has been an anchor of the downtown area since 1923. It's unique architectural design has enticed visitors to it restaurant and hotel accommodations for years. In 1986, Mr. Tom Reese purchased the property and has continued to renovate and improve the facility, winning many awards.

Having been in the business for many years, Mr. Reese sees a demand for additional hotel rooms in the downtown area. To this end, he is proposing to convert current office space to an additional twelve new luxury guest rooms at his hotel. The project costs are estimated at approximately $900,000. Because of the nature of the business and the economy, Mr. Reese needs assistance from the City to make this project doable.

This grant will improve and maintain a longtime business located in our downtown area. It also provides much needed hotel accommodations in the area. In addition to additional bed taxes, this project will also provide increased employment.

The project qualifies under economic development criteria of State Finance Law 99-h for the expenditure of the annual casino revenues. Grant funds will be disbursed for capital renovation costs. The applicant must demonstrate the availability of the grants, loans and equity necessary to complete the project. The project must be complete by December 31, 2009.

Funding is available for this project from 2007 casino revenues. Will the Council vote to authorize the transfer of $50,000 to Niagara Falls Urban Renewal Agency, for transfer to N.F.C. Development Corp. for a grant of casino revenues as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0

APPROVED

GRANT: ASHLAND ADVANCED MATERIALS

Agenda Item #4

RE: Approval of grant of up to $80,000.00 to Ashland Advanced Materials

The original grant request was tabled at a 2008 council meeting pending further information regarding the expected use of the funds. As such, a new council item is required.

Attached(on file in City Clerk's Office) for your review are

1) Copy of the Landscape Architects renderings for the planned landscaping
2) Estimates from multiple landscaping companies for the work to be completed at the site.
3) An opinion of probable construction cost worksheet prepared by an outside landscape architectural firm.
4) Costs for the two fences installed at the site by Ashland.

The total projected costs for the above work is $149,455. Our contribution will be approximately 53% of the costs for these enhancements

Funds for this grant are available under the URA sub allocation approved for 2008.

Will the Council vote to approve the grant request of up to $80,000 subject to the plant opening and the completion of the landscaping and installation of the fencing and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: JANITORIAL SERVICES

Agenda Item #5

RE: Approval of Bid #4-09 for janitorial supplies from various companies

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

TO: Harpor Paper Company
2403 Hyde Park Blvd.
Niagara Falls, NY 14305

FOR: Item #'s: 6, 7, 10, 11, 14, 15, 16 and 17 per the attached(on file in City Clerk's Office) tally sheet.

TO: Dobmeier Janitorial
354 Englewood Avenue
Buffalo, NY 14223

FOR: Item #'s: 1, 2, 3, 4, 8, 9, 12, 13 and 18 per the attached(on file in City Clerk's Office) tally sheet.

TO: Niagara Supply Corporation
4825 Tomson Avenue
Niagara Falls, NY 14304

FOR: Item #: 5 per the attached(on file in City Clerk's Office) tally sheet.

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 Five (5) vendors. Three (3) bids were received. The above referenced companies submitted the lowest bids to meet our specifications for each respective item.

Funds for this expenditure are available in various Departments, Cleaning & Sanitary Supplies code: .0419.003.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: AFFORDABLE TREE & EXCAVATING, INC., TREE REMOVAL

Agenda Item #6

RE: Approval of Bid #7-09 with Affordable Tree & Excavating, Inc. for tree removal services at a cost of $42,900.00

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

TO: Affordable Tree & Excavating, Inc.
432 Mandeville Street.
Utica, NY 13502

FOR: Removal of Seventy-One (71) trees on City margins;
including stump removal and ground restoration: $42,900.00

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 eight (8) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid.

A separate item is on the Council's agenda requesting approval of the funding source for this expenditure.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: JOHN T. KWARCIAK, SR., GREEN'S RESTAURANT CONCESSION

Agenda Item #7

RE: Approval of agreement with John T. Kwarciak, Sr. to operate the "Green's restaurant" Concession

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

TO: John T. Kwarciak Sr.
3105 Baseline Road
Grand Island, NY 14072

FOR: Operation of the Hyde Park "Greens Restaurant" Concession for a period of five (5) years with annual payments as follows:

2009	$3,600.00
2010	3,750.00
2011	3,900.00
2012	4,050.00
2013	4,200.00

Award of the agreement will be contingent upon the concessionaire agreeing to a contract acceptable to the Corporation Counsel.

The request for proposals was advertised in the Niagara Gazette and RFP's were sent to seven (7) interested parties. The above referenced individual submitted the only proposal.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: PRESERVATION STUDIOS, LLC, PARK PLACE HISTORIC DISTRICT SIGNAGE

Agenda Item #8

RE: Approval of contract with Preservation Studios, LLC for $2,800.00 Signage contract regarding Park Place Historic District

The City received a $2,800 State grant under the certified local government program for the Park Place Historic District. The grant provides for "topper" signs to go on top of the street signs, district monument signs and a walking tour/historic district information pamphlet.

Listed below is a proposal for design services from Tom Yots of Preservation Studios, LLC for the design of the signs and the pamphlet. City staff will install the signs and place the district monument signs on City-provided metal plaques. The city services will fulfill the in kind services requirement of the grant.

PROPOSAL FROM THOMAS YOTS, PRESERVATION STUDIOS, LLC

Re: Historic District Signage and Pamphlet Project Proposal

Budget:

Consulting Services (Sign)*	$1,000.00
Consulting Services (Pamphlet)**	500.00
3' x 4' sign decals (4)	500.00
Sign toppers (6) @ $125	750.00
Camera/print ready pamphlet materials	50.00
	$2,800.00

Revenue:

Grant:	$2,800.00

*Consulting Services: Sign Design Management:

- Completion of sign design
- Preparation of images: sketches and/or photographs
- Coordination with sign company for production of the sign decal and street sign toppers.
- Coordination with the appropriate City departments for construction and installation of the signs
- Communication with neighborhood and Veterans groups regarding sign placement.

**Consulting Services: Pamphlet preparation/editing

- Preparation of images: sketches and/or photographs
- Editing of Historic District walking tour pamphlet text and layout

Will the Council vote to approve the contract for services as set forth herein, and authorize the Mayor to execute the contract necessary to effectuate the same?

THIS ITEM WAS TABLED. NO ACTION WAS TAKEN

CONTRACT AMENDMENT: GOD'S WOMAN VANESSA SCOTT OUTREACH MINISTRIES, INC.

Agenda Item #9

RE: Approval of amendment to grant agreement with God's Woman Vanessa Scott Outreach Ministries, Inc. to use unexpended funds from roof replacement to replace outdated electrical service

On February 25, 2008 City Council approved the use of $4,800 in Emergency Shelter Grant funds for a roof replacement at the House of Ruth, a shelter operated by God's Woman Vanessa Scott Outreach Ministries, Inc. The roof replacement was completed at total cost of $3,100 leaving a balance of approximately $1,700 in the account. During the course of the work being completed, the Community Development monitor assigned to the project noticed that that electrical service to the building was in dire need of an upgrade. We requested and received proposals to upgrade the service, the low bid submitted being $810.00.

It is our recommendation that City Council approve an amendment to the existing grant agreement allowing the use of the unexpended ESG funding for the replacement of the electrical service at the House of Ruth. Any unexpended funds remaining after the completion of this work will be transferred to the ESG unprogrammed budget for a future eligible activity.

Will Council vote to so approve an amendment to the August 19, 2008 grant agreement between the City and God's Woman Vanessa Scott Outreach Ministries, Inc. authorizing the use of Emergency Shelter Grants Funds in budget code ESG073 for the upgrade of the electrical service at the House of Ruth and extending the date for the expenditure of funds to July 30, 2009?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: ARMAND CERRONE, 93RD STREET PEDESTRIAN BRIDGE

Agenda Item #10

RE: Approval of agreement with Armand Cerrone in the amount of $66,666.00 for replacement of 93rd Street pedestrian bridge

The following was the result of bids received on February 26, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
Armand Cerrone 4625 Witmer Road Niagara Falls, NY 14305	$ 66,666.00
Hohl Industrial Services, Inc.	$ 77,730.00

It is the recommendation of the undersigned that this project be awarded to Armand Cerrone, Inc. at its Base Bid of $66,666.00. Funding is available under Capital Code H0960.2009.0960.0449.599.

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

Yeas	5
Nays	0
	APPROVED

CONTRACT CHANGE ORDER: YARUSSI CONSTRUCTION CO., 77TH STREET RECONSTRUCTION

Agenda Item #11

RE: Approval of change order to contract with Yarussi Construction Co. relative to reconstruction of 77th Street

A contract for the above referenced project was awarded to Yarussi Construction Co. Inc. on August 20, 2008 in the amount of $.$ 1,718,420.00.

Subsequent to the start of work, conditions in the existing subgrade and unanticipated private utility alterations necessitated changes in this project's scope. The addition of tree removals and their subsequent replacement, as well as additions to our stormwater collection system, totaled $79,800.00. However, planned extra excavations and private lateral alterations were below the anticipated worst-case scenario that was included within the original contract, allowing the contract award amount to adequately absorb the extra work noted above. Therefore, the total additional funds needed are $0.00.

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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

AUDITOR UPGRADE, COMMUNITY DEVELOPMENT

Agenda Item #12

RE: Approval to upgrade Auditor position in Community Development Dept. from Grade 20 to Grade 21

The Senior Auditor in the Department of Community Development will be retiring from his position in September 2009. The accounting performed for the federal grants administered by this department is unique and requires extensive training to be proficient. In consultation with the City Controller, we have mutually agreed that the most viable alternative is to promote from within the system and to bring the employee on as soon as possible to receive adequate training.

In order to accomplish this transition and based on the assumption of additional duties I am requesting that we upgrade the position of Auditor, currently held by Robert Donner, from Grade 20 to Grade 21. The Auditor will be responsible for the CDBG, HOME, ESG and Miscellaneous Revenues accounts in the Department of Community Development. The Senior Auditor is classified at Grade 22, however, due to the extensive learning curve required to manage these federal grants, the Section 8 account will be omitted from the job duties for the upgraded position. The City Controller has agreed to assign an employee from her department to assume the Section 8 accounting and to bill that fund for hours allocated to the work or as a stipend.

The retirement of the Senior Auditor also affects the NFC Development Corp. and Urban Renewal Agency as the Senior Auditor received a stipend to perform this accounting work. Historically, NFC and URA had their own accountants, the current being arrangement enacted after the Senior Auditor had sufficient time to learn the CDBG programs. This will no longer be possible as the Auditor will be totally consumed in learning the Community Development Block Grant, HOME and Emergency Shelter Grant Programs.

Therefore, based on the foregoing, it is our recommendation that the position of Auditor, currently occupied by Robert Donner in the City Controller's Office, be upgraded from Grade 20 to Grade 21 in the Department of Community Development. Community Development funds are available in Budget Code CAD026 to pay for the Auditor and the Senior Auditor on a simultaneous basis.

Will the Council vote to so approve the upgrade request as described herein?

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

Yeas 5
Nays 0

APPROVED

PARKS & GOLF COURSE, SMALL PURCHASE LIST

Agenda Item #13

RE: Approval to amend pending equipment list for parks & Golf Course

The Council has previously designated Casino funding for various small equipment.

Since the approval of those lists it has been determined that a higher priority in the Hyde Park Mechanic Shop is a new compressor to replace the 49 year old one currently being used at a cost of $2,500 and for the golf course a ball washer at a cost of $1,095.

Will the Council approve amending the pending equipment lists to include these items?

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

Yeas	5
Nays	0
	APPROVED

POLICE DEPARTMENT GRANT: ELIMINATE VIOLENCE AGAINST WOMEN

Agenda Item #14

RE: Approval to accept police department Grant in the amount of $34,425.00 for "Eliminate Violence against Women"

The Police Department has been awarded a $34,425 grant under the Eliminate Violence Against Women Program.

The City's match of $11,475 for in-kind services is included in the police budget as wages and fringe benefits.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any agreements or other documents necessary to effectuate this?

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

Yeas	5
Nays	0
	APPROVED

TREE REMOVAL FUNDING, CASINO FUNDS

Agenda Item #15

RE: Approval to designate $42,900.00 of casino funds for additional tree removal

Pursuant to discussions between the Administration and Council it was agreed that the City would seek bids for removal of 71 trees. The City has solicited bids and the award appears elsewhere on your agenda.

It is requested that the Council designated $42,900 of Casino funds to fund this tree removal.

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

STREET DESIGN FUNDING, FEDERAL STIMULUS

Agenda Item #16

RE: Approval to designate up to $300,000.00 in casino funds for street design work relative to street projects under the Federal Stimulus Funding Package

The City has received $3.6 Million in Federal Stimulus funding for various street projects located in the City.

The rules for the expenditure of the Federal Stimulus funds do not allow it to be used for the design work required for the projects. Therefore, it is requested that the Council designate up to $300,000 of Casino funds for design work related to these street projects.

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

CONTRACT: DAVID HODGE, PROMOTIONAL VIDEO

Agenda Item #17

RE: Approval to authorize $75,000.00 in casino funds for the production of a promotional video by David Hodge

The City has been approached by David Hodge to produce a promotional video and related economic development marketing material for the City of Niagara Falls.

The cost of the production of this video will be $150,000 and the Niagara Tourism and Convention Corporation has been approached to provide $75,000 of this funding.

Will the Council authorize expenditure of $75,000 of casino funds for the production of this material and authorize the Mayor to execute an agreement with David Hodge in a form acceptable to the Corporation Counsel and contingent upon approval of the $75,000 in funding by the NTCC?

THIS ITEM WAS PULLED FROM THE AGENDA.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY CORPORATION COUNSEL

CLAIM: JOSEPH W. CHMIEL

Agenda Item #18

RE: Approval to settle and pay claim of Joseph W. Chmiel in the amount of $2,160.52

Date Claim Filed:	January 9, 2009
Date Action Commenced:	N/A
Date of Occurrence:	December 21, 2008
Location:	3322 Church Street, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Brian S. Raymond
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$2,160.52
Make Check Payable to:	Joseph W. Chmiel
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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: SENIOR CITIZEN COUNCIL APPOINTMENTS, 2009-17

Agenda Item #19
Relative to appointments to the Senior Citizen Council
BY: Council Chair Chris Robins
BE IT RESOLVED, that the following individuals are hereby reappointed or appointed to the
City of Niagara Falls Senior Citizen Council effective immediately for The expiration date, which appears opposite their names:

REAPPOINTMENT	**TERM EXPIRES:**
George Kralick 512 – 82nd Street Niagara Falls, NY 14304 - 283-9312	12/31/2011
Elsie Golanka 2441 Linwood Avenue Niagara Falls, NY 14305 - 297-8688	12/31/2011

APPOINTMENT (including a vacancy due to resignation of Josephine Minervino)	**TERM EXPIRES:**
Joseph Paonessa 1064 – 96th Street Niagara Falls, NY 14304 297-8824	12/31/2009
Llewellyn Sasyn 822 – 92nd Street Niagara Falls, NY 14304 283-1069	12/31/2010
Robert Snyder 721 – 85th Street Niagara Falls, NY 14304 283-5184	12/31/2010
Robert Ramos 2481 South Avenue Niagara Falls, NY 14305 284-1694	12/31/2011
Bea DiNunzio 2658 Niagara Avenue Niagara Falls, NY 14305 297-4307	12/31/2011
Harold Fox 2243 Cleveland Avenue Niagara Falls, NY 14305 282-1954	12/31/2011

Yeas 5
Nays 0
ADOPTED AS AMENDED

RESOLUTION: BOARD OF ASSESSMENT REVIEW, APPOINTMENT, 2009-18

Agenda Item #20
Relative to appointment to the Board of Assessment Review
BY: Council Chair Chris Robins
BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Board of Assessment Review effective immediately for the expiration date, which appears opposite his/her name:

REAPPOINTMENT	TERM EXPIRES:
Mr. Millard E. Smallwood 516 College Avenue Niagara Falls, NY 14305 285-5048	9/30/2013

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TOBACCO POINT OF PURCHASE, 2009-19

Agenda Item #21
Relative to Tobacco Point of Purchase
BY: All Council Members

WHEREAS, tobacco products are addictive and contribute to the premature illnesses and deaths of our citizens. The Surgeon General has concluded that tobacco product marketing encourages people to use tobacco, especially our young people; and

WHEREAS, in 2005, tobacco companies spent $13 billion to market cigarettes in the United States, most of which was spent at point of sale. The economic impact of tobacco use is a drain on our community keeping taxes high and making employers spend more money on health insurance which reduces jobs in our region; and

WHEREAS, the vast majority of tobacco users regret their decision to start smoking and find their ability to quit using tobacco constrained because of nicotine addition. We have a responsibility to protect the public's health, especially those who are young and most vulnerable. An estimated 1/3 of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities.

NOW THEREFORE BE IT RESOLVED, that **the City Council of the City of Niagara Falls, New York, together with Mayor Paul A. Dyster,** hereby supports the efforts of the Erie-Niagara Tobacco-Free Coalition and to protect the children of Erie and Niagara Counties and the City of Niagara Falls, USA, by asking local retailers to reduce tobacco advertising by doing the following:

- No price promotions or discounts
- Removing all tobacco brand advertising inside and outside of their store
- Keeping tobacco displays out of view of customers
- Agreeing to place material in their store advertising smoking customers where they can get assistance to stop using tobacco products

NOW THEREFORE BE IT FURTHER RESOLVED, that a copy of this resolution be sent to NYS Senators Antoine Thompson and George Maziarz; NYS Assemblypersons Francine DelMonte and Sam Hoyt; and Erie-Niagara Tobacco-Free Coalition Director Anthony G. Billoni and the Roswell Park Cancer Institute.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: WINE SALES IN SUPERMARKETS, 2009-20

Agenda Item #22

Relative to opposition to wine sales in supermarkets

BY: Council Member Steve Fournier

WHEREAS, on December 16th, 2008, Governor Paterson proposed to allow grocery stores to sell wine in his 2009-2010 state budget. This proposal must be stopped because it will cost New York thousands of jobs and contribute to a significant increase in underage drinking; and

WHEREAS, over 1,000 small businesses – wine sellers, liquor stores, wineries and others – will be forced to close. This translates into a loss of over 4,000 jobs. New York already leads the U.S. in job losses and this could reach the hundreds of thousands over the next two years; and

WHEREAS, Small business retailers have indicated that 65-80% of their overall sales are devoted to wine – putting their store's livelihood and employees' jobs at great risk; and

WHEREAS, New York has independently owned licensees, legally responsible for preventing youth from purchasing alcohol. This law would undermine current regulations and controls put in place to protect the pubic and minors. Law enforcement agencies oppose this proposal because it will lead to an increase in underage drinking, drunk driving accidents and fatalities. Parent and student groups like Students Against Destructive Decisions (SADD) fear an increase in underage drinking; and

WHEREAS, Small wineries from every region of the State fear losing access to customers because in spite of being told this proposal will help wineries, they know that only the most popular vineyards will get space on crowded supermarket shelves, leaving them out in the cold; and

WHEREAS, the State Liquor Authority's ability to police rowdy bars and stop illegal alcohol sales will be overwhelmed by the dramatic increase in outlets selling wine; and

WHEREAS, it is unimaginable why the State of New York would support putting thousands more New Yorkers out of work and at the same time crease an environment that would increase alcohol fatalities.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, does not support the proposal by Governor Paterson to allow wine to be sold in supermarkets and urges the Governor, the Assembly and the Senate to stop this proposal and keep New York's small businesses, jobs and teenagers out of harm's way; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to NYS Governor David Paterson, NYS Assemblywoman Francine DelMonte, NYS Senators Antoine Thompson and George Maziarz and NYS Budget Director Laura L. Anglin.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: WORLD KIDNEY DAY-2009, 2009-21

Agenda Item #23
Relative to "World Kidney Day"-2009
BY: All Council Members

WHEREAS, more than 26 million Americans, about one in nine adults, suffer from chronic kidney disease; and

WHEREAS, 170,000 Western New Yorkers have Chronic Kidney Disease and another 170,000 are at risk and don't know it; and

WHEREAS, 1,600 Western New Yorkers are on dialysis and nearly 500 Western New Yorkers are awaiting a kidney transplant. Approximately 40 percent are African American and 16 percent are Hispanic; and

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases; and

WHEREAS, the National Kidney Foundation of WNY has a health screening program to identify people in the early stages of kidney disease. The mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation; and

WHEREAS, **the Honorable Paul A. Dyster of the City of Niagara Falls, New York** has proclaimed March 12th, 2009 as "World Kidney Day" in the City of Niagara Falls, New York in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York and throughout the country and the world.

NOW THEREFORE BE IT RESOLVED, by **the Niagara Falls City Council**, that we recognize and applaud the work of the National Kidney Foundation of WNY which helps to create awareness about chronic kidney disease and educates the public regarding diet, exercise, lifestyle management, and proper nutrition to help slow the progression of chronic kidney disease.

BE IT FURTHER RESOLVED that **the Niagara Falls City Council** asks the citizens of Niagara Falls, New York to join them in spreading awareness about this devastating disease by commemorating March 12th, 2009 as "World Kidney Day."

Yeas	5
Nays	0
	ADOPTED

LOCAL LAW #1-2009, "Residency of Employees"

Agenda Item #24

RE: Approval of Local Law #1-2009 relative to amending City Charter relating to "Residency of Employees"

A Local Law to amend the Niagara Falls City Charter as amended, by amending Section 5 entitled "Breach of Residency Requirement" of Local Law #7 for the year 1984 and Local Law #3 for the year 1996 entitled "Residency of Employees".

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 amending Section 5 of Local Law #7 for the year 1984 and Local Law #3 for the year 1996 entitled "Residency of Employees" to read as follows:

Section 5. BREACH OF RESIDENCY REQUIREMENT.

Should it be alleged that an employee is not in compliance with Section 3 of this Local Law, the City Administrator, upon becoming aware of the allegation, shall provide the employee written notice of his alleged violation and shall allow the employee seven (7) calendar days in which to respond. Where there is a failure to respond or where a response is not, in the judgment of the City Administrator, sufficient to satisfy the requirements of this Local Law, the City Administrator shall designate an officer or board to set a hearing date to hear the charge of non-residency and to make a record of the hearing. An employee establishing residency to the satisfaction of the City Administrator prior to the hearing date shall result in a cancellation of the hearing authorized by this section.

The employee shall be sent a notice of the hearing date at least fifteen (15) days prior to the hearing. The hearing record and the determination of the hearing officer or board conducting the hearing as to whether the employee is a non-resident in violation of this Local Law shall be referred to the City Administrator for his review and decision. Should the City Administrator decide that the employee is a non-resident in violation of this Local Law, the employee shall be deemed to have voluntarily resigned from employment. **[Upon re-establishing residency, an individual having so resigned may apply for reinstatement to his or her former position and shall be reinstated if the position is vacant].**

The City Administrator will file a report of all allegations against employees made under this section together with the disposition of the allegations with the Personnel Department. This report will be included with the regular Personnel Actions Report filed with the City Council.

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.

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

Yeas	5
Nays	0

APPROVED

NEW JERUSALEM BOY'S REPORTING CENTER, FUNDING

Agenda Item #25

RE: Approval to reprogram CD Block Grant funds for New Jerusalem Boy's reporting center

The New Jerusalem Boy's Reporting Center was allocated $100,000 in the 2009 Community Development budget to help defray administrative costs associated with the operation of the center. The 2009 contractual agreement with HUD is several months away from being approved and executed. This agreement authorizes the City to release funding for approved projects. The Reporting Center is currently experiencing cash flow problems that might jeopardize their operation, this being further compounded with the projected release date of the CDBG funds.

In order to address this problem we are proposing the re-programming of up to $33,333 in existing CDBG funds currently committed to City-Wide Economic Development Incentives to bridge the gap for the Boy's Reporting Center for the period of January 1, 2009 through April 30, 2009. If approved, a grant agreement will be signed with the Reporting Center whereby they will be able to access these funds, based on the approved pro-rated allocation formula for administrative expenses.

Furthermore, to avoid a reoccurrence of this problem in the future with any public service agency that we fund, we will structure our grant agreements with effective dates of May 1- April 30 for each program year. This will enable the City to provide funding to the Boy's Reporting Center and other similar organizations simultaneous to HUD's anticipated release of funds date. For the Boy's Reporting Center this effectively means that Council will have approved the use of up to $133,333 to the organization for a 16-month period beginning January 1, 2009 through April 30, 2010. Thereafter, all such grant agreements will be structured on a
12 month basis, from May 1 through April 30.

Will City Council so approve the re-programming of $33, 333 in Community Development Block Grant funds from budget code CSE099 (City-Wide Incentives) to budget code CPS023 (New Jerusalem Boy's Reporting Center) for the intended use as described herein, and authorize the Mayor to execute the required grant agreement

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

Yeas 5
Nays 0
APPROVED

FIRE DEPARTMENT: FUND APPROPRIATION FOR EQUIPMENT

Agenda Item #26

RE: Approval to appropriate $9,000.00 of casino interest to purchase self-contained breathing apparatus testing equipment for the Fire Department.

The Technical Equipment Repair Specialist in the Fire Department among other duties maintains the department's self-contained breathing apparatus.

Since the self-contained breathing apparatus has been upgraded in the past few years, a new piece of testing equipment is required to perform the correct testing and calibration and is also necessary in order for repairs and testing to be certified by the manufacturer.

A fully warranted demonstration model of the required equipment has become available at significant savings to the City and it is, therefore, requested the Council appropriate $9,000 of Casino interest to allow the purchase of this equipment on an expedited basis.

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

RESOLUTION: ECONOMIC STIMULUS PLAN, 2009-22

Relative to Economic Stimulus Plan
BY: All Council Members

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment; and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services; and

WHEREAS, Congress and President Obama are planning a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated local governments and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components; and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities; and

WHEREAS, any domestically-produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy; and

WHEREAS, any economic recovery plan spending should, to every extent possible, include a commitment from the City of Niagara Falls, New York to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place.

NOW THEREFORE BE IT RESOLVED, that we, members of the City Council of the City of Niagara Falls, New York, to the extent permitted by law, will work to maximize the creation of American jobs and restore economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed; and

BE IT FURTHER RESOLVED, that this City Council commits, to the maximum extent permitted by law, to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to the City of Niagara Falls by the American taxpayers; and

BE IT FURTHER RESOLVED, as legislators of the City of Niagara Falls, New York, this City Council, to the maximum extent permitted by law, commits to pursue these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation’s economic recovery program; and

BE IT FURTHER RESOLVED, that the President, Senate and Congress consider and adopt these type of expenditures that encourage and allow local government to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan and thereby establish this policy as part of the Economic Recovery Law.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 8:05 p.m.

Carol A. Antonucci
City Clerk

The first session of the March 23, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:06 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of March 9, 2009.

Yeas	5
Nays	0
	APPROVED

In her Administrative Update, City Administrator Donna Owens reported that:

1. The Courthouse transition process is moving along smoothly, and notes from the last Meeting have been forwarded to the Council Members. A moving company needs to be chosen for the move from the Public Safety Building to the new Courthouse.
2. The contract for consultant services on the use of the Hyde Park Ice Rink has been awarded, and the consultant has already begun work. Council Member Fournier again asked to be included in the process as the Council liaison.
3. The asphalt plant will reopen on April 6, and street repairs and sweeping are ongoing. Chairman Robins asked about the list of in-house paving projects, and Civil Engineer Robert Buzzelli informed him that the list was already sent to the Council Members. City Administrator Owens thanked Mr. Buzzelli and Director of Public Works David Kinney for their work on preparing the list.

Superintendent of Police John Chella thanked the members of his staff who were involved in investigating the robbery/homicide case over the weekend, and Chairman Robins commended the Superintendent for the good work done and all the arrests made in the recent drug raid in the City.

Council Member Fruscione asked Mayor Paul Dyster to clarify for the taxpayers how, when the time came, the work done on closing the Robert Moses Parkway would be funded, and, also, that the public be better informed on the use of Stimulus Funds. Also, the Council Member expressed his concern on the streets that would be repaired using Economic Stimulus funding, and said there are streets more in need of repair than some of the streets that are set to be repaired. The Mayor responded that there are several different sources of funding for street repairs, and streets are chosen by their eligibility for the funding available, and not all the streets that need to be repaired will get done.

Council Member Anderson asked the media present to note that the City must spend $300,000 of it's own money for design work for the $3.6M in Stimulus Funds to be received for street repairs. The Council asked that Eleventh Street and Buffalo Avenue be considered for repairs if at all possible.

Council Member Anderson expressed his concerns to John Caso, Deputy Director of Public Works, about the trees in the City that still need to be trimmed, and the condition of Tenth Street and the City Hall parking lot. Purchasing Agent Dean Spring added that the contractor who was awarded the bid for additional tree removal is unable to get insurance to complete the work, and the next lowest bid is $50,000 higher.

City Controller Maria Brown clarified the golf cart lease, and Mr. Spring noted that the lease includes repairs by the vendor, and electric carts will be provided if requested by the City.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of five Items to be added to the Agenda:

1. A Resolution relative to honoring Rev. Calvin Babcock.

Council Member Fruscione 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 #11.

2. A Resolution relative to support for changes in the State Finance Law.

Council Member Fruscione 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 #12. The Council Members requested that all their names be added as sponsors of the Resolution.

3. A communication relative to a contract for consultant services for design work related to Federal Stimulus Street Projects.

Council Member Fruscione 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 #13.

4. A communication relative to a signage contract for the Park Place Historic District that was tabled at the March 9, 2009 Meeting.

Council Member Fruscione 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 #14.

Council Member Fruscione moved to remove the communication from the table.

Yeas	5
Nays	0

MOTION TO REMOVE COMMUNICATION FROM TABLE APPROVED

5. A Resolution relative to the Lake Ontario Ordinance Works Restoration Advisory Board.

Council Member Fruscione 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 4:40 PM., at which time the Council Members left for a tour of the new Courthouse facility.

Chairman Robins reconvened the Meeting at 7:05 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:

Lisa Vitello	Agenda Item #10
Barbara Marchelos	Agenda item #4
Ron Anderluh	Agenda item #3
Joan Broderick	Agenda Item #4
Michelle Vanstrom	Agenda Item #10
Edward Neal Jr.	Agenda item #2
Candace Corsaro	Park at Marine Memorial & Caravelle Drives
Michael Corcoran	Park at Marine Memorial & Caravelle Drives
Cyndi Stonebraker	N.F. Memorial Day Association Parade
Marjorie Gillies	Park at Marine Memorial & Caravelle Drives
Manuela Miller	Spallino Tower Issues

The following was RECEIVED AND FILED:
Agenda Item #1
City Clerk's Report for February, 2009.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

REBELS BASEBALL TEAM: N.F. PINS

Agenda Item #2

RE: Approval to supply N.F. Rebels Baseball Team with 1000 souvenir pins for distribution in Cooperstown, NY at a cost of $1,600.00

The Niagara Falls Rebels Baseball Team is participating in a tournament in Cooperstown, New York this summer. This is the first time a baseball team comprised of boys from Niagara Falls is participating in this tournament. The team wishes to distribute Niagara Falls souvenir pins to other participants in this tournament and also wishes to distribute various other Niagara Falls promotional information. The cost for 1,000 such pins is $1,600.00. The source of funds for this is found in Tourism Fund Balance.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

Chairman Robins explained that this will help to promote Niagara Falls.

448 THIRD STREET: CLOSING COSTS & EXPENSES

Agenda Item #3

RE: Approval to pay closing costs up to $3,000.00 and landscaping and expenses of $75,000.00 from casino revenue related to purchase of 448 Third Street

Please recall that on September 8, 2008 Council Members authorized the City to proceed to purchase 448 Third Street, Niagara Falls, New York for the sum of $75,000. A contract has now been negotiated with the seller for the previously authorized $75,000 amount plus the seller's reasonable and customary closing costs not to exceed $3,000. In addition, the sum of $75,000 is needed in order to install the landscaping necessary to create the arcade walkthrough for parking on Second Street to be able to access Third Street. The landscaping and expenses of the seller will be paid from casino revenues.

Will the Council confirm its determination to acquire 448 Third Street made on September 8, 2008, and also that it would be in the public interest and vote to approve the expenditure of up to $3,000 of seller's closing costs from casino revenues, and also vote to approve the expenditure of $75,000 of casino revenues in order to accomplish necessary landscaping, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

WINTERGARDEN SALE TO USA NIAGARA

Agenda Item #4

RE: Approval of various actions relative to sale of Wintergarden to USA Niagara

USA Niagara Development Corporation has been moving toward completing the purchase of the Wintergarden. In connection with that sale, the City will receive the balance of its $950,000 mortgage (approximately $500,000 plus any unpaid interest). City action is required to clear up a number of title issues regarding the property.

The sale by the City was subject to a reconveyance agreement, under which no sale of the Wintergarden prior to December 31, 2009 could occur unless the City had approved of the sale and the purchaser. The first action is approval of the sale by Wintergarden Entertainment, LLC of the Wintergarden to USA Niagara Development Corporation. In addition, the balance of the term of the reconveyance agreement will be cancelled.

The City granted a sidewalk license agreement to Wintergarden Entertainment, LLC, to allow for patron lines and attractions on the sidewalk plaza on the west side of the Wintergarden. The second action is to agree to the termination of the West Mall sidewalk license agreement with Wintergarden Entertainment, LLC.

The Wintergarden sale was subject to a requirement that access through the Wintergarden be maintained 24/7 by and through the premises. Since the Wintergarden will be demolished and replaced with a public street, the access easement will not be required. The third action is cancellation of the access easement, to take effect upon demolition of the Wintergarden and re-establishment of public access through the area.

In 1984 the City granted a lease to the original operator of the Wintergarden Inn, allowing construction and operation of a "greenhouse restaurant" in the Wintergarden in conjunction with the hotel operation. The lease term was 40 years, with two ten year renewal options. The lease was not assignable. The original operator has long since ceased to operate the hotel or the restaurant. The City never approved assignment of the restaurant lease. The fourth action is cancellation of the lease agreement.

Finally, in 2004 the City entered into a license agreement with East Mall Entertainment, LLC, an affiliate of Wintergarden Entertainment, LLC, the current owner/seller of the Wintergarden. The sale of the Wintergarden to USA Niagara requires East Mall Entertainment, LLC to terminate its license agreement with the City. The final action is to agree to the termination of the East Mall license agreement with East Mall Entertainment, LLC.

Will the Council vote to approve the actions as set forth herein, and authorize the Mayor to execute any documents in form acceptable to our Corporation Counsel necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

POLICE DEPARTMENT, PURCHASES

Agenda Item #5

RE: Approval to reallocate unused funds from 2008 casino capital funds for Police Department purchases

The Council previously approved a list of expenditures for the Police Department for capital purchases from the 2008 casino funds. Due to the ability to use other funding sources and some costs being less than anticipated, it was not necessary to expend all of these funds. The Police Department requests that these funds be reallocated to the purchases on the attached list(on file in City Clerk's Office).

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: GOLF CART SUPPLY, INC., LEASE OF GOLF & UTILITY CARTS

Agenda Item #6

RE: Approval of Bid #09-09 for lease of golf and utility carts from Golf Car Supply, Inc. for a cost of $343,639.80

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

TO: Golf Car Supply, Inc.
27 Morgan Street
Akron, NY 14001

FOR: Five (5) year lease of the following:

75-Golf Carts	$4,344.00/mth.	$260,640.00
8-Utility carts(1,200 lb.load capacity)	1,000.00/mth.	60,000.00
1-Utility cart (800 lb. load capacity)	83.33/mth.	4,999.80
2-Utility carts (800 lb. load capacity) with enclosed cabs)	300.00/mth.	18,000.00
	Total:	$343,639.80

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 bid requests were sent to six (6) vendors. two (2) bids were received. The above referenced company submitted the overall lowest bid.

Funds for this expenditure are available in the following budget codes: A7110.3450.0440.003, CE1720.2560.0440.003, CR1720.2570.0440.003, GC7250.0100.0442.003 and GC7250.0200.0440.003.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: MILTON-CAT; WHEEL LOADER

Agenda Item #7

RE: Approval of Bid #05-09 for a wheel loader from Milton-Cat for a cost of $142,785.00

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

TO: Milton-Cat
4610 East Saile Drive
Batavia, NY 14020

FOR:

One (1) Caterpillar Model 938H wheel loader:	$167,785.00
Trade-in of one(1)1985 Caterpillar Model 936 wheel loader:	-9,000.00
Trade-in of one(1 1986 Caterpillar Model 936 wheel loader:	-16,000.00
Net Total:	$142,785.00

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 bid requests were sent to seven (7) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid for the new equipment and the highest bids for the trade-ins.

Funds for this expenditure are available in the 2009 Capital budget code: H0912.2009.0912.0230.000.

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

Yeas 5
Nays 0
APPROVED

CLAIM: WALKER, ARTASKER M.

Agenda Item #8

RE: Approval to settle and pay claim of Artasker M. Walker in the amount of $2,095.00

Date Claim Filed:	October 30, 2008
Date Action Commenced:	N/A
Date of Occurrence:	October 25, 2008
Location:	2748 Grand Avenue, Niagara Falls, NY
Nature of Claim:	Damage to vehicle due to City tree.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$2,095.20
Make Check Payable to:	"Artasker M. Walker"
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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

RESOLUTION: SCHOOL ELECTION POLLING PLACES, 2009-23

Agenda Item #9

Relative to use of polling places for the annual School election

BY: All Council Members

WHEREAS, the Annual School Election will be held on Tuesday, May 19th , 2009.

Attached(on file in City Clerk's office) is a communication from the School District of the City of Niagara Falls, New York requesting approval for the use of polling places in the City of Niagara Falls, New York.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: ROBERT MOSES GORGE PARKWAY, REMOVAL, 2009-24

Agenda Item #10

Relative to removal of the Robert Moses Gorge Parkway

BY: Council Member Sam Fruscione

WHEREAS: The lower Niagara River and the Niagara gorge is a natural wonder of international botanical, cultural, ecological, geological, and historical significance and remains a unique corridor of wilderness within our urban region; and

WHEREAS: The Robert Moses Gorge Parkway bypasses the entire Main Street Business District, Pine Avenue Business District, Niagara Street Business District, Third Street Business District, the Niagara Falls Downtown Business District, and the City's core; and

WHEREAS: The Niagara Falls' City Master Plan calls for miles of parkway removal and the Niagara Falls' December, 2008 "A View of the Falls Final Report," (page 51), USA Niagara has proposed the 6.5 mile section of the Robert Moses Parkway along the lower river gorge from Niagara Falls to Lewiston be removed with traffic channeled through the city's center; and

WHEREAS: Eco-tourism is one of the fastest growing major trends in the U.S. and over 55 million U.S. travelers can be classified as eco-tourists who can be drawn to the area to create new economic opportunities; and

WHEREAS: Green Infrastructure Planning College Curriculum (page 10) notes there are economic reasons to protect "viewsheds" since they are important to attracting what are known as Heritage Tourists who come to see historic or culturally important sites spending, on average, two-and-a half times as much money than do other tourists; and

WHEREAS: The 32 member, Smart Growth Network's (page 43-44) economic analysis concluded owners of small companies ranked recreation, parks, and open space as the highest priorities in choosing new locations for their businesses; and

WHEREAS: Niagara Falls and the Niagara River Region has been designated a National Heritage Area and removal of the Robert Moses Gorge Parkway is consistent with its goals; and

WHEREAS: Removal of the Robert Moses Gorge Parkway is consistent with the Niagara River Greenway Plan for the Region and New York State; and

WHEREAS: the New York Natural Heritage Program concludes the Niagara Gorge calcareous cliff community harboring some of the oldest trees (500-1,000 years old) in the state are threatened by adjacent upslope development (e.g. residential, agricultural, utility right-of-ways and roads) and its associated runoff and other habitat alteration (NYNHP Conservation Guide – Calcareous Cliff Community -page 2); and

WHEREAS: When land adjacent to a historic site is developed, it can mar or even destroy the integrity of the historic site and when these scenic vistas are lost, visitors may stop coming and residents will lose aspects of the landscape that they most value; and

WHEREAS: The people of our region as well as the people around the world should have an opportunity to experience this wonder in its natural and restored state, unmarked by destructive and unsightly development; and

WHEREAS: The Niagara Heritage Partnership's online petition (www.niagaraheritage.org) and list of supporting organizations represents an informal marketing study of over 1 million people who support total gorge parkway removal; therefore, be it

RESOLVED, that the Niagara Falls City Council strongly endorses the Main Street Business and Professional Association resolution for four lane removal of the Robert Moses Gorge Parkway from Niagara Falls, north, to the city line and the subsequent restoration of this land as a heritage natural area, as described herein with the supporting documents attached; and therefore, be it

RESOLVED that the Niagara Falls City Council strongly endorses remapping the Robert Moses Gorge Parkway, remapping it as parkland, as the road is neither environmentally sound nor economically feasible and notes that such action is financially sound, more sensible, and cost effective.

Yeas 5

Nays 0

ADOPTED

Council Member Fruscione asked that care be taken to preserve Lewiston Rd.

RESOLUTION: HONORING REV. CALVIN W. BABCOCK, 2009-25

Agenda Item #11
Relative to honoring Rev. Calvin W. Babcock
BY: All Council Members

(Rev. Calvin Babcock prepares to cut a 50 foot pine tree that had fallen across Cayuga Creek between 89th and 90th Street. Babcock, who volunteers his time as a local River Keeper, is cutting and removing the tree to avoid flooding in the Spring)

WHEREAS, Rev. Calvin W. Babcock has earned a reputation for being an active community volunteer with the Niagara Beautification Commission and LaSalle Pride; and

WHEREAS, his latest good deed involved the above chain saw and a 40-foot pine tree that had fallen into Cayuga Creek during a recent wind storm and became lodged when the water froze. Rev. Babcock and others volunteer their efforts to keep the creek flowing strong. He estimates that with the help of members from LaSalle residents and the Niagara Beautification Commission, he has been able to pull between 50 and 75 trees out of the creek; and

WHEREAS, a nature lover, Rev. Babcock is excited about the creek's development into a recreational attraction and habitat for fish, ducks, turtles and other wildlife. Once, while out with his grandchildren, he stopped to weed the raised garden beds near the Whirlpool Bridge. The Rev. targets pockets in the city that were being ignored and, with his shovel, started improving. His volunteer work in cleaning up the community has been met with appreciation from everyone he meets.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls honors and gives applause to the Rev. Calvin Babcock. The city of Niagara Falls has a true treasure in the Rev. Calvin Babcock and hopes he continues to be a volunteer with the Niagara Beautification Commission and LaSalle Pride which acknowledges him as a tireless community activist.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: STATE FINANCE LAW CHANGES, 2009-26

Agenda Item #12
Relative to support of changes in the State finance Law
BY: All Council Members

WHEREAS, Assemblywoman Francine DelMonte and Senator Antoine Thompson announced that they are proposing changes in the state finance law that will redirect casino funding, currently sent to Niagara County, for local road improvements in the City of Niagara Falls; and

WHEREAS, DelMonte and Thompson said that this proposal would help improve road conditions in Niagara Falls, a community that hosts more than eight million visitors a year; and

WHEREAS, there has been a rallying cry from Niagara Falls residents and other motorists regarding the poor road conditions in the city. Today's shaky economy makes it more important than ever that a revenue source like casino dollars be used to complement federal, state and local funds for long-term capital improvements.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls supports the proposed changes in the state finance law by Assemblywoman Francine DelMonte and Senator Antoine Thompson which will redirect the funding from Niagara County to the City of Niagara Falls for local road improvements in the City.

Yeas 5
Nays 0
ADOPTED

CONTRACT: URBAN ENGINEERS OF NEW YORK P.C.;STREET DESIGN-STIMULUS FUNDS

Agenda Item #13

RE: Approval of agreement with urban Engineers of New York P.C. for scoping and design phase relating to federal stimulus streets projects

At its March 9, 2009 meeting, the City Council approved $300,000.00 for design work related to the federal stimulus street projects. Based on the New York State Department of Transportation mandated merit selection process, please be advised that Urban Engineers of New York P.C. has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Urban Engineers of New York P.C. in an amount not to exceed $300,000.00 . Funding is available through 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 Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: PRESERVATIOONS STUDIOS, LLC; SIGNAGE-PARK PLACE HISTORIC DISTRICT

Agenda Item #14

RE: Approval of contract with Preservations Studios, LLC for $2,800.00 Signage Contract regarding Park Place Historic District

The City received a $2,800 State grant under the certified local government program for the Park Place Historic District. The grant provides for "topper" signs to go on top of the street signs, district monument signs and a walking tour/historic district information pamphlet.

Listed below is a proposal for design services from Tom Yots of Preservation Studios, LLC for the design of the signs and the pamphlet. City staff will install the signs and place the district monument signs on City-provided metal plaques. The city services will fulfill the in kind services requirement of the grant.

PROPOSAL FROM THOMAS YOTS, PRESERVATION STUDIOS, LLC

Re: Historic District Signage and Pamphlet Project Proposal

Budget:

Consulting Services (Sign)*	$1,000.00
Consulting Services (Pamphlet)**	500.00
3' x 4' sign decals (4)	500.00
Sign toppers (6) @ $125	750.00
Camera/print ready pamphlet materials	50.00
	$2,800.00

Revenue:

Grant: $2,800.00

*Consulting Services: Sign Design Management:

- Completion of sign design
- Preparation of images: sketches and/or photographs
- Coordination with sign company for production of the sign decal and street sign toppers.
- Coordination with the appropriate City departments for construction and installation of the signs
- Communication with neighborhood and Veterans groups regarding sign placement.

**Consulting Services: Pamphlet preparation/editing

- Preparation of images: sketches and/or photographs
- Editing of Historic District walking tour pamphlet text and layout

Will the Council vote to approve the contract for services as set forth herein, and authorize the Mayor to execute the contract necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

Agenda Item #15

Relative to the Lake Ontario Ordinance Works Restoration Advisory Board

BY: Council Chair Chris Robins

URGING THE U.S. ARMY CORPS OF ENGINEERS TO RECOGNIZE AND SUPPORT THE CURRENT LAKE ONTARIO ORDINANCE WORKS RESTORATION ADVISORY BOARD AND REQUESTING THE APPOINTMENT OF AN INDEPENDENT, EXPERIENCED THIRD PARTY TO FACILITATE DIFFERENCES

WHEREAS, the health, safety and economic well being of the citizens of Niagara County is of utmost importance, and

WHEREAS, we are mindful of the need for open, transparent and participatory democracy, and

WHEREAS, we are conscious that in achieving these goals there must be open communication and cooperation, and

WHEREAS, there exists at the Lake Ontario Ordnance Works site in Towns of Lewiston and Porter hazardous remains from the WWII Manhattan Project, and

WHEREAS, the Lake Ontario Ordnance Works Restoration Advisory Board was created by the federal government to promote the satisfactory remediation of the L.O.O.W., and

WHEREAS, the Restoration Advisory Board is composed of many dedicated, experienced and qualified individuals, and

WHEREAS, Niagara County citizens support their representatives on the current Lake Ontario Ordnance Works Restoration Advisory Board, and

WHEREAS, Niagara County citizens, and elected and public officials have become deeply disturbed by the breakdown of open, transparent and participatory democracy as it relates to the involvement of their representatives on the Restoration Advisory Board, now, therefore, be it

RESOLVED, that the City Council of the City of Niagara Falls, together with Mayor Paul A. Dyster join Niagara County elected and public officials, as representatives of the citizens of Niagara County, to implore the United States Army Corps of Engineers to recognize and support the current Lake Ontario Ordnance Works Restoration Advisory Board as an official Department of Defense entity, and be it further

RESOLVED, that the federal government through the United States Army Corps of Engineers provide administrative and technical support to the current Restoration Advisory Board, and be it further

RESOVLED, that an independent, qualified third party be employed by the United States Army Corps of Engineers to facilitate resolution of any existing differences between the Corps and the current Restoration Advisory Board, and be it further

RESOLVED, that once these differences are resolved the United States Army Corps of Engineers and the Restoration Advisory Board resume working together on the successful remedial cleanup at the L.O.O.W. site, and be it further

RESOLVED, that a copy of this resolution be forwarded to U.S. Senator Charles E. Schumer, U.S. Senator Kirsten Gillibrand, U.S. Congresswoman Louise M. Slaughter, U.S. Congressman Chris Lee, NYS Attorney General Andrew Cuomo, NYS Senator George Maziarz, NYS Senator Antoine Thompson, NYS Assemblywoman Francine DelMonte, Niagara County Legislature Chairman William Ross, City of North Tonawanda Mayor Lawrence Soos, City of Lockport Mayor Michael W. Tucker, Town of Cambria Supervisory Wright Ellis, Town of Hartland Supervisor W. Annalbe, Town of Lewiston Supervisor Fred Newlin, Town of Lockport Supervisor Marc Smith, Town of Newfane Supervisory Timothy Horanburg, Town of Niagara Supervisor Steven Richards, Town of Pendleton Supervisor James Riester, Town of Porter Supervisor Merton Wiepert, Town of Royalton Supervisor Richard Lang, Town of Somerset Supervisor Richard Meyers, Town of Wheatfield Supervisor Timothy Demler, Town of Wilson Supervisor Joseph Jastrzemski, Village of Barker Mayor JoAnn Greenwald, Village of Lewiston Mayor Richard Soluri, Village of Middleport Mayor Julia Maedl, Village of Wilson Mayor Thomas Bateman, Village of Youngstown Mayor Neil Riordan, Niagara County Public Health Commissioner Daniel Stapleton, Niagara County Economic Development Commissioner Samuel Ferraro, Lewiston Porter School Board President Robert Weller, George Osborne, Chairman, Lower River Chamber of Commerce, and Cara Turner, President, Lower River Chamber of Commerce.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 7:50 p.m.

Carol A. Antonucci
City Clerk

The first session of the April 6, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Samuel Fruscione, Charles A. Walker - 4.
Absent: Council Member Steve Fournier – 1
Council Member Fournier arrived at 4:35 p.m.

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

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of March 23, 2009.

Yeas	4
Nays	0
	APPROVED

Leonard DePrima of Li-Ro Associates gave an update on the Courthouse Project. He reported that the building is on schedule for occupancy on May 12, the project cost to date is $47.3M, which is under budget, furniture is being moved in and City employees are being trained to work in the building. City Controller Maria Brown added that, should the Project finish under budget, the excess funds should be used to replenish Casino funds that were used for the Project.

Mayor Paul Dyster informed the Council Members that City Administrator Donna Owens was ill, and he would provide the Administrative Update and answer the Council Members' questions. 1. He called on Administrative Police Captain John DeMarco, who reported that furniture is being set up at the new Courthouse, and the moving costs will be split between the City and the Court System. The Mayor added that the City is working with the Office of Court Administration to plan a formal ceremony to celebrate the opening of the new Courthouse.

2. He reported that DiDonato is working on the use of the Ice Pavilion, and the City will meet with New York Power Authority and Board of Education representatives concerning funding repairs and use of the facility.

3. He informed the Council Members that the asphalt plant in Lockport is open, and the Niagara Falls plant should re-open in May. The City plans to purchase 50,000 tons of hot patch from the plant, and City employees will be scheduled to work overtime on pothole repairs. Chairman Robins asked that a list be faxed daily to the Council Office of street repairs. Director of Public Works David Kinney noted that pothole repairs are done in one section of the City at a time, the Pothole Killer will be in use this week, but the ProPatch machine is not in use. The Mayor added that a map is being prepared for the City's website to show citizens which streets are scheduled for repairs and where work is being done, and Chairman Robins asked that the map be ready for public view at the next Council Meeting. Council Member Walker added that pothole repairs are critical, and Council Member Fruscione asked that a budget be prepared for costs associated with additional street repairs. Mr. Kinney also said that he and staff members would travel to Rochester for a demonstration of street equipment and repairs. The use of Community Development Block Grant funds for street repairs was also discussed.

Mayor Dyster introduced the new City Engineer, Ali Marzban, who thanked the staff of the Engineering Department for their work.

4. Mayor Dyster introduced Clinton Brown, who plans to apply for a Restore NY Grant to turn South Junior High School into 52 loft apartments. Chairman Robins asked why the City had not received any of these grants that were previously applied for, and Mayor Dyster responded that previous projects did not fit the grant specifications as well as this Project. He also noted that the Corporation Counsel's Office is meeting with Board of Education attorneys regarding the playground at this site, and the playground equipment could be installed as early as the end of April if an agreement is reached. Community Development Director Robert Antonucci added that Community Development funds would pay for the playground equipment.

On the issue of basketball courts at the Abate site, Council Member Walker asked if Hyde Park is still being looked at, and the Mayor responded that it was. Council Member Fruscione asked that he be the Council liaison for the placement of the basketball courts.

Mr. Kinney reported that tree and stump removal will begin this week. Council Member Anderson asked for a list of the last four months of trees removed, and said that he will be checking on the progress of this issue. The Council Members asked for an estimated proposal for additional tree removal at the next Council Meeting.

Patricia Travis of the Youth Bureau is working with a neighborhood committee to get the financing for the work on the park at Marine Memorial and Caravelle Drives.

Civil Engineer Robert Buzzelli reported that a survey has been done for hockey and rollerblade areas at Stephenson Park. Council Member Anderson asked that the area be leveled, and the Park secured.

Mr. Buzzelli also reported that bids will go out on April 20 for the tennis courts, and Engineering staff is working with the School District on this issue. Chairman Robins will be the Council liaison on this issue.

On the Griffon Park boat docks, Mayor Dyster said that repairs are needed, and this may be a future Greenway Project. City Controller Maria Brown said that there is funding left in the Bond for Parks Improvements.

Council Member Fruscione questioned the new Health Care Provider for the City, and Deputy Corporation Counsel Thomas O'Donnell informed him that there is no increased risk, and costs will be reduced.

Council Member Anderson asked Mr. Kinney about the issue of sinkholes in the City streets, and Mr. Kinney responded that a meeting has been set with the Water Board to discuss sinkholes, fire hydrants, repairs to water cut areas, and other issues. Mayor Dyster responded to Council Member Walker that the City has a better relationship with the Water Board than in the past.

Council Member Walker asked about the work being done by the SPCA, and Mayor Dyster said that he would look into the matter.

Council Member Fruscione asked why NTCC was not funding downtown street median maintenance (Agenda Item #12), and if they were approached to do so. Mayor Dyster responded that they were not approached, and the City's Forester Paul Dickinson wrote the specs for the maintenance, and will monitor the contractor. John Percy of NTCC added that his organization is taking care of Centennial Circle and the Niagara Street Business Area.

Chairman Robins asked Mr. Percy if he had seen Agenda Item #20, relative to NTCC providing the City a detailed budget, and Mr. Percy responded that he had provided information to the Corporation Counsel

This Session ended at 5:25 PM

Chairman Robins reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier 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 #14
Cristina Ventry	Robert Moses Parkway issues
Michael Parsnick	Lewiston road concerns
Staci Bucci	Feral cats in neighborhood
Bridget Shields	Feral cats in neighborhood
Anna Quarantillo	Feral cats in neighborhood
Calvin Babcock	Cleanup work
Michelle Vanstrom	Robert Moses Parkway issues
Randy Heller	Trash in 1300 block of Willow Avenue
Ken Hamilton	Robert Moses Parkway traffic; Hope VI Project; Stevenson Avenue Park; Codify City Charter

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DAVID GROSS CONTRACTING CO., LASALLE WATERFRONT COMFORT STATION

Agenda Item #1

RE: Approval of contract with David gross Contracting Co. in the amount of $64,900.00 for the LaSalle Waterfront comfort Station renovation

The following was the result of bids received on March 26, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
David Gross Contracting Co. 2104 Niagara Street Niagara Falls, NY 14303	$ 64,900.00
Walter S. Johnson Bldg. Co.	$ 81,300.00

It is the recommendation of the undersigned that this project be awarded to David Gross Contracting Co. at its Base Bid of $64,900.00. Funding is available under Greenway Funding code H0813.2008.0813.0449.599.

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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

ENGINEERING DEPARTMENT: BUDGET AMENDMENT-OVERTIIME

Agenda Item #2

RE: Approval of budget amendment for Engineering Department for overtime in the amount of $10,000.00

The 2009 adopted budget included $1,000.00 for overtime for the Engineering Department. Due to the current lack of a City Engineer on staff, additional duties have been performed by Engineering personnel and the overtime allotment is depleted.

I am requesting that the Council again amend the budget to increase the Engineering overtime fund an additional $10,000.00. Funds are available in A1440.0000.0110.000 (Biweekly Payroll).

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

CONTRACT: CHANGE ORDER #1 POWER & LIGHT CORP., EMERGENCY GENERATORS, FIREHALLS

Agenda Item #3

RE: Approval of change order #1 for emergency generator installations at City of Niagara Falls firehalls in the amount of $20,023.12

A contract for the above referenced project was awarded to Industrial Power and Lighting Corp. on November 9, 2006 in the amount of $263,400.00.

Subsequent to the start of the project, unknown obstacles below grade necessitated the relocation of associated fuel tanks, pressure regulators and ancillary supply/return piping at two of the five new generator sites. The work performed to either remove or accommodate the existing obstacles was not included in the original contract scope. The total cost of the fuel tank relocation or obstacle removals, and the related site restoration is $20,023.12.

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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: CDL TREE CO.;TREE REMOVAL

Agenda Item #4

RE: Approval of Bid #7-09 for tree removal services to CDL Tree Co. in the amount of $93,457.00

At its meeting of March 9, 2009, the Council awarded the above referenced bid to Affordable Tree Co. (see attached Council letter)(on file in City Clerk's Office). Despite the fact that our insurance requirements were clearly stated in the request for bids and despite the fact that the City was assured by the contractor that the company had proper coverage, we have recently been notified that the contractor is unable to obtain the necessary insurance coverage.

We have contacted the next low bidder. They are willing to honor their bid. The contractor's insurance agent has provided a statement that the contractor can and will obtain the appropriate coverage upon award of the bid.

Therefore, we respectfully request you re-award the above referenced bid as follows:

TO: CDL Tree Co.
465 Church Street
Youngstown, NY 14174

FOR: Removal of Seventy-One (71) trees on City margins including stump removal and ground restoration:
$93,457.00

A separate item is on the Council's agenda requesting approval of the funding source for this expenditure.

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

Yeas 5

Nays 0

APPROVED

CONTRACT: J.E.S.ENTERPRISES; LANDSCAPING SERVICES

Agenda Item #5

RE: Approval of Bid #8-09 for landscaping services to J.E.S. Enterprises in the amount of $23,640.00

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

TO: J.E.S. Enterprises
725 College Terrace
Niagara Falls, NY 14305

FOR: Landscape maintenance of the medians on Niagara Street, John B. Daly Boulevard and Rainbow Boulevard plus planting and maintenance of five (5) flower beds (option 1): $23,640.00

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 seven (7) vendors. Five (5) bids were received. The above referenced company submitted the lowest bid.

A separate item is on the Council's agenda requesting approval of the funding source for this expenditure.

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

Yeas 5
Nays 0

APPROVED

Council Member Fruscione said that NTCC should pay for this.

CONTRACT: ANDRE & SON, INC. & LESCO, INC.; AGRICULTURAL CHEMICALS

Agenda Item #6

RE: Approval of Bid #10-09 for agricultural chemicals to Andre & Son, Inc. and Lesco, Inc.

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

TO: Andre & Son, Inc.
2 Mill Street
Montrose, PA 18801

FOR: Items 1, 3, 4, 6 and 7 as per the attached tally sheet.

TO: Lesco, Inc.
1301 East 9th Street
Suite 1300
Cleveland, OH 44114-1849

FOR: Items 2, 5, 8 and 9 as per the attached(on file in City Clerk's office) tally sheet.

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 bid requests were sent to five (5) vendors. Four (4) bids were received. The above referenced companies submitted the lowest bids for each respective item.

Funds for this expenditure are available in the Golf Course Fund code: GC7250.0200.0419.009.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: HUNTER BUFFALO PETERBILT; TANDEM AXLE DUMP TRUCKS

Agenda Item #7

RE:: Approval of Bid #11-09 for three tandem axle dump trucks with plows to Hunter Buffalo Peterbilt in the amount of $456,153.00

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

TO: Hunter Buffalo Peterbilt
2370 Walden Avenue
Buffalo, NY 14225

FOR: Three (3) Peterbilt tandem axle dump trucks with plows: $152,051.00 ea. $456,153.00

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 bid requests were sent to twelve (12) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in 2009 Capital budget code: H0912.2009.0230.000.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: SANTO CANDELLA CONSTRUCTION CO., INC; BOARDING UP

Agenda Item #8

RE: Approval of Bid #12-09 for boarding up of various damaged buildings to Santo Candella Construction Co., Inc. in the amount of $1.78/sq ft.

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

TO: Santo Candella Const. Co., Inc.
118 74th Street
Niagara Falls, NY 14304

FOR: Boarding up of various dilapidated and fire damaged structures, privately and publicly owned, deemed hazardous by the Inspections Department and Fire Department.
Price per square foot of sheathing used: $1.78/sq. ft.

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 Seven (7) vendors. The above referenced company submitted the lowest bid. One other bid was received from CDL Tree Co. ($1.93/sq. ft.).

Funds for this expenditure are available in the Inspections Department code: A3620.0000.0449.599.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: FRANKIES DONUTS, INC.;PRISONER MEALS

Agenda Item #9

RE: Approval of Bid #13-09 for Meals for Prisoners to Frankies Donuts, Inc.

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 Public Safety Building:

Breakfast (est. 4,900)	$1.00
Lunch (est. 5,800)	1.50
Supper (est. 1,900):	1.50

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 5 (five) vendors. The above referenced company submitted the lowest bid. One other bid was received from Burger King (breakfast $1.25, Lunch $2.25 and Supper $2.25).

Funds for this expenditure are available in A3120.0001.0449.599.

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

Yeas	5
Nays	0

APPROVED

CONTRACT: MODERN LANDFILL, INC.; SALE OF STREET MILLINGS

Agenda Item #10

RE: Approval of Bid #14-09 for Sale of Street Millings to Modern Landfill, Inc. in the amount of $4.75/ton.

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

TO: Modern Landfill, Inc.
4746 Model City Road
PO Box 209
Model City, NY 14107-0209

FOR: Sale of Street Millings (approx. 23,000 tons): $4.75/ton
located at the Corporation Yard.

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 four (4) vendors. Three (3) bids were received.

The above referenced company submitted the highest price for the street millings. Bids were also received from LaFarge North America ($4.00/ton) and Armand Cerrone, Inc. ($2.05/ton).

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

Yeas	5
Nays	0

APPROVED

BOUNDARY WATERS TREATY CENTENNIAL COMMITTEE; FUNDING

Agenda Item #11

RE: Approval to appropriate $10,000 from Tourism Funds for the Boundary Waters Treaty Centennial Committee

As the Council is aware 2009 marks the Centennial of the signing of the Boundary Waters Treaty between the United States and Canada.

Various levels of government including the International Joint Commission, the Canadian Consulate and local governments on both sides of the Niagara River have formed a committee to organize various public events celebrating the Centennial of the Treaty.

It is requested that the Council appropriate $10,000 from the Tourism fund balance as the City's contribution to these events.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

DOWNTOWN STREET MEDIAN; CASINO FUNDS

Agenda Item #12

RE: Approval to appropriate $23,640 from casino funds for downtown street median maintenance

Elsewhere on your agenda is an item awarding a bid for the maintenance of the plantings in the various street medians in the downtown area.

It is requested that the Council appropriate $23,640 from Casino funds to fund this.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

TREE REMOVAL SERVICES; FUNDING

Agenda Item #13

RE: Approval to appropriate an additional $50,557 of casino funds for tree removal services

Earlier this year the Council appropriated $42,900 of Casino funds to finance the award of the bid to lowest responsible bidder for the removal of seventy-one trees.

After the award of the bid the low bidder was unable to obtain the required insurance and, therefore, it is requested that you (in an item elsewhere on your agenda) award the bid to the next lowest bidder. It is requested that the Council appropriate $50,557 of Casino funds to cover the additional cost.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

TOURISM FUND; SUMMER EVENTS

Agenda Item #14

RE: Approval to allocate from tourism funds $1,000 each to Main Street Business Association, Niagara Street Business Association and Pine Avenue Business Association for summer events

It is requested that the following sums be allocated from the Tourism Fund balance for the events listed:

1. $1,000 to Main Street Business Association for "Positively Main Street" Festival entertainment on June 27-28, 2009.

2. $1,000 to Pine Avenue Business Association for concert series during July and August, 2009 and for the Italian Festival entertainment on August 1-2, 2009.

3. $1,000 to Niagara Street Business Association concert series during July and August, 2009 and for the International Festival entertainment on August 15-16, 2009.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

MUNICIPAL SAFETY COMPLEX; CLEANER POSITION

Agenda Item #15

RE: Approval of Budget amendment to change cleaner position at new courthouse to MW2 for an added cost of $5,263.37

The 2009 budget contains cleaner positions for the Courthouse portion of the Municipal Safety Complex. These positions are fully reimbursed by the Office of Court Administration to the City.

After discussions with the court staff it is recommended that one of the cleaner positions be changed to a MW2 position to give greater flexibility to the cleaning staff.

The additional annual cost of salary and benefits would be $5,263.37. This amount will reimbursed by the court system.

Will the council vote to amend the 2009 budget to reflect this change?

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

Yeas 5

Nays 0

APPROVED

CHANGE ORDER #1; FUNDING FOR EMERGENCY GENERATOR INSTALLATIONS

Agenda Item #16

RE: Approval to appropriate $20,023.12 from Casino interest for Change Order #1 for Emergency Generator Installations at firehalls

Elsewhere in your agenda is a change order for the contract for the installation of emergency generators at the City fire halls. The contract was funded with a grant of homeland security funds and an application has been made for additional funds for this change order.

In order to pay the contractors who have performed the work on a timelier basis it is requested that the Council appropriate $20,023.12 of Casino interest to fund this change order with the understanding that if the City receives additional homeland security funds that it will used to replenish this account.

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 CITY CLERK

The following was RECEIVED AND FILED:
Agenda Item #17
Mayor's Approval of Resolution 2009-16 relative to amending "Signs & Billboards" ordinance

SECOND HAND DEALERS LICENSE

Agenda Item #18
RE: Approval of Second Hand Dealers Licenses
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 all been approved by the N.F. Police Department.
Diamond Enterprises – 1606 Pine Avenue
Niagara Coins – 509 Third Street
Niagara Tools Buy N Sell – 2028 Pine Avenue
Will Council so approve?
Council Member Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: PUBLIC HEARING, RESTORE NY GRANT APPLICATIONS, 2009-28

Agenda Item #19
Relative to calling for a public hearing on April 20, 2009 relative to Restore NY Grant applications
BY: Council Chair Chris Robins
RESOLVED, that a public hearing be held on the 20th day of April, 2009 at 7:00 PM Eastern Daylight Time, in the City Hall Chambers of the City of Niagara Falls, New York at City Hall, 745 Main Street, and that the required notice of said hearing be published in the Niagara Gazette preceding said hearing. The purpose of the hearing is to hear public comments regarding a Restore NY Grant application for two (2) projects: the "South Junior" Project and "39th Street School/Old Municipal - Court Building" Projects. The application for the "South Junior" Project is for $5 million for a portion of the costs of reconstruction of the building projected for residential/commercial mixed use. The application for the "39th Street School/Old Municipal – Court Building" Project is for $1.3 million for a portion of the costs of reconstruction of the building(s) projected for residential/commercial mixed use.
And be it further
RESOLVED, that the City Clerk publish the notice of public hearing and also publish a property assessment list for three consecutive days prior to the hearing date, to comply with the Restore New York application requirements.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: TOURISM AND CONVENTION CORPORATION BUDGET, 2009-29

Agenda Item #20

Relative to Niagara Tourism and Convention Corporation producing a detailed budget

BY: All Council Members

WHEREAS, the Niagara Tourism and Convention Corporation (NTCC) was formed as a result of a merger between the City of Niagara Falls Convention and Visitors Bureau and the Niagara County Tourism Office. As the county-wide successor of previously separate efforts, the NTCC is publicly funded by the City of Niagara Falls through bed tax money and casino money approved by the Legislature, along with government grants; and

WHEREAS, the NTCC has been reluctant to reveal the amount of monies spent by the organization and the staff. Because the corporation is unwilling to make public all their receipts and expenditures, it is requested that they produce a detailed budget showing all line items and expenses including a detail on all travel, operations and salaries of all employees. More transparency and accountability is needed since the City of Niagara Falls is the largest supporter of the NTCC financially; and

WHEREAS, the NTCC has said that it is a nonprofit, created through a contract and has shown a reluctance to disclose any figures. Niagara Falls is a premier tourism destination and a worldwide draw. The focus of the NTCC should be more on travelers within driving distance, especially in this down economy and also focus the majority of its marketing on the City of Niagara Falls which is the main contributor to its funding.

THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls is requesting the Niagara Tourism and Convention Corporation to provide the City Council with a true and complete copy of its 2009 budget complete with detail on all travel and operations expenses as well as salary information (with benefits) for each NTCC employee, including its president by April 20, 2009.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to NYS Comptroller Thomas DiNapoli; NYS Governor David A. Paterson; NYS Assemblywoman Francine DelMonte; NYS Senators Antoine Thompson and George Maziarz.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: THE REHABILITATION OF NY ROUTE 104, FUNDING, 2009-30

Agenda Item #21

Relative to authorizing funding for the rehabilitation of NY Route 104

BY: Council Chairman Chris Robins

WHEREAS, a Project for the Rehabilitation (Multi Course Overlay) of NY Route 104, Main Street and Lewiston Road from Ontario Avenue to the Niagara Falls North City Line, in the City of Niagara Falls, Niagara County, PIN 5045.24 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the· City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Construction & Construction Inspection phases of the Project, PIN 5045.24 .

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the Preliminary Engineering and Construction & Construction Inspection phases for the Project or portions thereof; and it is further

RESOLVED, that the sum of $2,546,000 is hereby appropriated (in addition to $ 286,000 previously appropriated for the project's Preliminary Engineering phases via City of Niagara Falls Resolution No. 2000-25 adopted on March 13th 2000) and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering and Construction & Construction Inspection phases exceeds the amount appropriated, $2,832,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering and Construction & Construction Inspection phases exceeds $14,160,000, the project's current Total Cost , the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Yeas 5

Nays 0

ADOPTED

Chairman Robins said that this is the final step- the City has done all it can to move this along.

BOND RESOLUTION: LEWISTON ROAD, 2009-31

Agenda Item #22

Approval of Bond Resolution in the amount of $2,546,000.00 to pay the City's share of the reconstruction of Lewiston Road

BY: Council Chairman Chris Robins

RESOLVED by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Niagara Falls, Niagara County, New York, as follows:

Section 1. For the purpose of paying the City's share of the reconstruction of Lewiston Road, in and for the City of Niagara Falls, Niagara County, New York, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving rights-of-way, as well as incidental costs and expenses related thereto, there are hereby authorized to be issued $2,546,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid object or purpose is $2,546,000, which is hereby authorized and the plan of financing consists of the $2,546,000 bonds hereby authorized.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years, pursuant to subdivisions 20(c) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Controller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Controller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Controller, the chief fiscal officer of such City. Such bonds shall contain substantially 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 52.00 of the Local Finance Law, as the City Controller shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes 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 bond 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 9. This resolution, which takes effect immediately, shall be published in summary form in the ***Niagara Gazette***, the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 7:0 p.m.

Carol A. Antonucci
City Clerk

APRIL 20, 2009

REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the April 20, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Walker moved to approve the Minutes from the City Council Meeting of April 6, 2009.

Yeas	5
Nays	0
	APPROVED

Mrs. Fortunate, Principal of Mt. Carmel School, introduced award winning students from the school who read their tributes to the City of Niagara Falls.

For the Administrative Update, City Administrator Donna Owens reported that:

1. The transition to the new Municipal Courthouse is on schedule, and bids from movers on the State contract list are being reviewed. Mayor Paul Dyster added that the ribbon cutting ceremony has been scheduled for June 17, and Chairman Robins asked for an Open House for citizens and a tour for the media prior to the ceremony.
2. Mayor Dyster said that the City has met with DiDonato Associates, consultant for the Hyde Park Ice Rink, and suggested that they present a report at the May 4 Council Meeting.
3. Crews are working overtime repairing potholes. The Pothole Killer has been returned, and an Item is on the Agenda to purchase another piece of pothole repair equipment. Director of Public Works David Kinney added that training on the machine will be given by the company when the machine is delivered.
4. The 2009 In House CHIPS Program is in place, and a Press Conference is scheduled on May 1 to announce the program. Council Member Walker will represent the Council. The Mayor thanked the MIS and Environmental Services Departments for their work on putting maps on the City's website to show where work is being done or scheduled to be done.
5. Forestry crews are working with crews replacing sidewalks for the In House Replacement Program. The Administration will forward a list to the Council Members of addresses where trees have been trimmed/removed.

Mayor Dyster thanked Robert Antonucci, Community Development Project Administrator, for his input in preparing an emergency home repair program for residents affected by the flooding in the area of 56th Street and Frontier Avenue. Mr. Antonucci added that existing CD funds will be used for the program.

Chairman Robins asked City Engineer Ali Marzban for a status report on the Lewiston Road Project, and said that he would ask for such a report at every Council Meeting.

Council Member Walker asked about the status of repairs to Tenth Street, and Mayor Dyster responded that since Federal dollars will be used for the project, the total repair will have to wait, and Tenth Street will be the next priority after Lewiston Road. Mr. Kinney said that, for the time being, Tenth Street will be barricaded so that the potholes can be fixed. Council Member Fruscione asked about road repairs in front of St. Joseph Cemetery, and Mr. Kinney said that the new machine that will be purchased will be used in this area. Council Member Anderson asked about the area of 80th Street and Rick Manning Drive, near the new Wal-Mart, and Mayor Dyster informed him that he had met with Benderson officials about repairs to this area.

Council Member Fruscione asked about a list of scheduled demolitions for 2009, and Mr. Antonucci responded that there is approximately $1.1M available in funding for demolitions through the Inspections Department and Community Development, and a NYS Grant application had just been approved for $200,000 for demolitions in the south end area. He also noted that once the demolitions take place, the lots will be held for future development and not placed on the City's In Rem list. Director of Inspections Guy Bax added that he is prioritizing the demolition list, and keeping funding aside for emergency demolitions. Also, the Block Clubs are being asked for their input, with a priority for high visibility buildings. Council Member Fournier asked about the buildings owned by NFR on Falls Street where the utilities have been shut off. Mr. Bax responded that, as long as the buildings are secured and being held for rehabilitation, there is no time frame to demolish them. The Mayor added that he had met with Fire Chief William MacKay to make the buildings more secure, and they are working on a program of landlord registration using NYCOM guidelines.

Council Member Fruscione asked Corporation Counsel Craig Johnson to research using Casino funds to pay for Police Officers.

Chairman Robins expressed his concerns about safety issues/hazards with fencing at the Golf Course and Hyde Park Little League area, and asked the City Administrator to address this at the next Council Meeting.

Council Member Fruscione asked if Mr. Percy of NTCC had provided a copy of the Agency's budget, and City Controller Maria Brown said that she will be reviewing the budget with Mr. Johnson.

In response to concerns expressed by Council Member Anderson:

1. The City does not have an architect on staff (Agenda Item #8).
2. He feels that the City should use available funding to fix existing park areas, rather than create new park areas (Agenda Item #14).
3. Economic Development Director Peter Kay explained that the City has to provide a 10% match for the total cost of the project, and the value of the buildings after rehabilitation will meet this criteria (Agenda Item #31).

Council Member Fournier asked Superintendent of Police John Chella about the number of citations issued for littering and loitering along Pine Avenue, and asked for increased enforcement.

Council Member Anderson also asked the Chief about handicap parking violations.

Chairman Robins questioned the figure for the donation from the City for the Midtown Little League (Agenda Item #12). Mr. Johnson responded that he got the figure from the President of the League, and Mr. Kinney added that fencing was donated. Mrs. Brown added that receipts are required and monitored by her Office for these types of expenses.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of two Items to be added to the Agenda:

1. A Resolution relative to the Kiwanis Club Awards Dinner.

Council Member Fournier 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.

2. A communication relative to consulting services for the City Hall Exterior Restoration.

Council Member Fournier 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 #33.

Chairman Robins inquired about equipment that would be in the recreational area next to South Junior High School, and if basketball courts would be placed there (Agenda Item #14). He said that concerns have been expressed by persons in the neighborhood. The Mayor noted that the land has been donated to the City by the Board of Education for a City park, and the equipment was ordered at 2008 prices. A lengthy discussion followed, and Council Member Walker expressed his concerns that there were not enough basketball courts for the youth in the City. He asked that the Council be provided with copies of agreements with the Board of Education relating to recreational areas.

This Session ended at 5:25 PM

Chairman Robins reconvened the Meeting at 7:06 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fruscione 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 relative to restore NY Grant Applications. The following spoke:

Clinton Brown	in favor of grant application

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

Paul Gromosiak	Close Robert Moses Parkway
Howard Goodwin	Car damage from pothole
Gretchen Leffler	Thanks for Relay for Life Resolution
Michael Parsnick	Keep Robert Moses Parkway open
Diane Tattersall	South Junior playground Concerns
Vincent Mameli	Tourism/Signage concerns

The following were RECEIVED AND FILED:

Agenda Item #1

City Clerk’s Report for March, 2009.

Agenda Item #2

Claims Report for March, 2009

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SNOWFIGHTING EQUIPMENT & CONSULTANTS OF BUFFALO, INC., PORTABLE ASPHALT MACHINE

Agenda Item #3

RE: Approval of Bid #18-09 with Snowfighting Equipment & Consultants of Buffalo, Inc. for portable asphalt machine at a cost of $120,417.00

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

TO: Snowfighting Equipment & Consultants of Buffalo, Inc.
PO Box 126, Southside Station
Buffalo, NY 14220-0126

FOR:		
	One (1) portable asphalt reclaiming/trenching machine:	$ 115,445.00
	Wireless remote control kit:	1,695.00
	Spare parts kit (basic standard cutter head):	2,282.00
	Cutter head bits (set of 131)	995.00
	TOTAL:	$120,417.00

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 six (6) vendors. The above referenced company submitted the only bid.

Funds for this expenditure are available in the 2009 Capital budget code: H0912.2009.0912.0230.000

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: ENNIS PAINT, INC., TRAFFIC MARKING PAINT

Agenda Item #4

RE: Approval of Bid #15-09 with Ennis Paint, Inc. for traffic marking paint

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

TO: Ennis Paint, Inc.
PO Box 404
Ennis, TX 75120

FOR: Traffic Marking Paint:

White:	$39.64/pail
Yellow:	$38.85/pail

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 Five (5) vendors. Five (5) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in budget code A3310.0000.0419.008.

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

Yeas	5
Nays	0
	APPROVED

LIBRARY BOARD, APPOINTMENT

Agenda Item #5
RE: Approval to reappoint Don King to the Library Board

RE: Library Board Appointment

I hereby reappoint Don J. King of 672 Chilton Avenue, Niagara Falls, NY to the Niagara Falls Library Board with a term to expire December 31, 2013.

Will the Council so confirm?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: HEALTH ASSOCIATION OF NIAGARA COUNTY, INC., RECREATION SERVICES FOR THE ELDERLY

Agenda Item #6
RE: Approval to renew agreement with the Health Association of Niagara County, Inc. to provide recreation services for the elderly at a cost not to exceed $10,000.00

The City staff recommends that the City renew the agreement with the Health Association of Niagara County, Inc. to provide recreation services for adults sixty years of age and older.

The City's expenses of this program will be in an amount not to exceed $10,000.00 during the period of April 1, 2009 through March 31, 2010. Funds are included in account A6772.0000.0449.599.

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

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

Yeas 5
Nays 0
APPROVED

MEMORANDUM OF UNDERSTANDING: JUSTICE ASSISTANCE GRANT PROGRAM

Agenda Item #7
RE: Approval of Memorandum of Understanding between Niagara Falls, Lockport and North Tonawanda Police Departments and the Niagara County Sheriff’s Office relative to joint application of funding under the Recovery Act: Edward Byrne Memorial Assistance Grant.

Attached(on file in City Clerk’s office) is a Memorandum of Understanding among the Niagara Falls, Lockport and North Tonawanda Police Departments and the Niagara County Sheriff’s Office related to a joint application for funding under the Recovery Act: Edward Byrne Memorial Assistance Grant in the total amount of $457,674.00.

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: GIUSIANA ARCHITECTS; CD COMMERCIAL FAÇADE PROGRAM

Agenda Item #8

RE: Approval of contract with Giusiana Architects for services relating to the City's Commercial Façade Program

The Department of Community Development recently requested proposals from three firms to provide architectural services relating to the City's Commercial Facade Program. The program is offered in the following business districts:

Pine Avenue	East & West Market Street
Main Street	Highland Avenue
Niagara Street	Third Street

Buffalo Avenue (LaSalle area w/casino revenues)

Giusiana Architects submitted the only bid for this project. They have provided services to the complete satisfaction of the Department of Community Development in every aspect of the current agreement which will expire this month. They have agreed to hold their price of $40 per hour with maximum fees established depending on the size and nature of the building being renovated. We had additionally requested proposals from Architectural Resources and Roberts, Shackelton & Boy Architects. Both firms expressed interest in submitting a proposal and we extended the deadline to accommodate their request for additional time to prepare a bid.

Therefore, we are recommending that City Council award a contract to Giusiana Architects for a period of two (2) years with a maximum contract upset fee of $50,000.

Community Development Funds are available in budget code CRC099 – Commercial Rehabilitation. Will Council vote to so approve and authorize the Mayor to execute the agreement with Giusiana Architects?

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

Yeas	5
Nays	0
	APPROVED

INSPECTIONS: ASSESSING UNPAID EXPENSES TO PROPERTY OWNER TAXES

Agenda Item #9

RE: Approval to assess property owners for unpaid expenses incurred by the City and Community Development for expenses incurred in the repair, demolition or boarding up of structures

In accordance with Chapter 1133, Section 1133.08 of the Niagara Falls Building Code, 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 Niagara Falls Building Code.

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 Inspections.

Will the Council so order?

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

Yeas	5
Nays	0
	APPROVED

EXPLORE BUFFALO/NIAGARA EVENTS

Agenda Item #10

RE: Approval to appropriate $3,000.00 of casino funds for explore Buffalo/ Niagara Events

The City has received a request to participate in the funding of two Economic Development events. The first is a program in Niagara Falls in conjunction with the solar energy annual meeting that is taking place in Buffalo this May and the second is a venture capital program in June.

The City has been asked to contribute a total of $3,000 toward the organization of these events. These events will showcase a number of local corporations and their products and will supplement the funding that these entities are already providing.

Will the Council appropriate $3,000 from the URA designated casino funds for these Economic Development programs?

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

Yeas 5
Nays 0
APPROVED

CAYUGA HEAT TRAVEL BASEBALL TEAM; N.F. LOGO PINS

Agenda Item #11

RE: Approval to supply Niagara Falls Logo pins to Cayuga Heat Travel Baseball Team at a cost of $1,508.88

The Cayuga Heat Travel Baseball Team is participating in a tournament in Cooperstown, New York this summer. This is the first time a baseball team comprised of boys from Niagara Falls is participating in this tournament. The team wishes to distribute Niagara Falls souvenir pins to other participants in this tournament and also wishes to distribute various other Niagara Falls promotional information. The cost for such pins is $1,508.88. The source of funds for this is found in Tourism Fund Balance.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

MIDTOWN LITTLE LEAGUE; FUNDS TOWARDS FENCING

Agenda Item #12

RE: Approval to donate 41,200.00 to Midtown Little League to assist in the erection of a fence at it’s athletic field

The Midtown Little League program has requested that the City contribute $1,200 to assist in the operation of its Little League program for young boys who are City residents. The League is asking for $1,200 to assist in the erection of a fence at its athletic field at 47th Street and Pine, which is owned by Midtown Little League. As the City does not operate its own Little League baseball program, and since Little League baseball in an important recreational activity, the City’s assistance in the amount of $1,200 appears to be worthwhile. Funding will come from casino interest.

Will the Council so approve a $1,200 expenditure to assist in this Little League program?

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

Yeas 5
Nays 0
APPROVED

MIS AIR CONDITIONER/HUMIDIFIER

Agenda Item #13

RE: Approval to replace two air conditioner/humidifier units in the MIS Department at a cost not to exceed $35,500.00

An existing air conditioner/humidifier for service in the MIS Department's main frame room has failed and must be replaced immediately. There are two units that service this room and replacement parts are no longer available. Although one is still functional both units should be replaced at this time. The total amount of money required for the acquisition of these new energy efficient units as well as installation will not exceed $35,500. Fund balance may be used for this purpose.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: SOUTH JUNIOR SCHOOL DISTRICT PARCEL

Agenda Item #14

RE: Approval of agreement with the Board of Education for City use of South Junior area to create a recreational area

The City has an opportunity to create a recreation area on real estate owned by the City of Niagara Falls School District, which is not used by the School District. It is located at South Junior School near the intersection of Portage Road and Ferry Avenue. The School District is allowing the City to use this parcel until such time as the School District has a District use for the parcel or until such time as the District sells it to a third party. The improvements in the nature of playground equipment are being purchased through Community Development funds. In addition, the City desires to install a curb cut to access a parking facility already on the premises allowing access to the parking lot from Portage Road. This will facilitate access to the parking lot by users of the recreation area. An agreement in form and substance satisfactory to the Corporation Counsel will provide terms for the City's use of this parcel of real estate.

Will the Council so approve?

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

Yeas	1
Walker	
Nays	2
Anderson, Fournier	
Abstain	2
Fruscione, Robins	
	DEFEATED

Council Member Anderson said there are 25 parks in the City and they should be repaired first.

SCHOOL DISTRICT: HARRY F. ABATE SCHOOL AREA

Agenda Item #15

RE: Approval of cooperative venture with the School District relative to bus turn-a-round and basketball courts in the Harry F. Abate School area

The City has been planning a cooperative venture with the City of Niagara Falls School District for the City to obtain certain real estate at Harry F. Abate School, containing approximately 4.48 acres, so that the City may install basketball courts. The School District would like to obtain certain real estate owned by the City near the City-owned library in order to install a bus turnaround. This comprises approximately 1.7 acres. The School District will initially grant an easement to the parcel to be improved by the City to the City and the City will initially grant an easement to the parcel to be improved by the School District to the School District. These easements will terminate when the School District conveys in fee the real estate to the City where the basketball courts are located and the City conveys in fee to the School District the real estate where the bus turnaround improvements are located. These conveyances will occur in the event the voters, at a referendum, authorize the School District to convey the parcel to be used by the City to the City. No consideration will be paid by the City to the School District and no consideration will be paid by the School District to the City. This will all be pursuant to an agreement in form and substance satisfactory to the Corporation Counsel.

Will the Council so approve?

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

Yeas	3
Anderson, Fournier, Walker	
Nays	0
Abstain	2
Fruscione, Robins	

APPROVED

Council Member Walker said there is a need for basketball courts in the City and it is time to move forward.

PUBLIC WORKS: FUNDING-TEMPORARY PERSONNEL & MATERIALS, STREETS

Agenda Item #16

RE: Approval of appropriation to Public Works for temporary personnel and materials for patching & paving in the amount of $207,124.00

Attached(on file in the City Clerk’s office) is a request from the Department of Public Works to fund the clean team and seasonal patching crews together with an operating engineer to allow for 20 weeks of patching and paving together with appropriation for materials related thereto.

Will the Council appropriate $207,124 from Casino Funds to fund this request?

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

Yeas	5
Nays	0

APPROVED

Council Member Walker said that this will allow DPW to catch up and take care of more streets.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

The following was RECEIVED AND FILED

Agenda Item #17

Notification that Local Law #1-2009 was received and filed by New York State Department of State on March 26, 2009

COMMISSIONER OF DEEDS

Agenda Item #18

RE: Approval of Commissioner of Deeds appointments for a term from June 1, 2009 to May 31, 2011

The following have requested City Council approval for Commissioner of Deeds for a term from June 1, 2009 to May 31, 2011.

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

Chiarenza, Mary Jo	City Court
Wasson, Nadine	City Clerk's Office
Caso, William C., Jr	1351-101st Street, Niagara Falls, NY 14304
Frame, Peggy	8403 Buffalo Ave., Apt. 3, Niagara Falls, NY 14304
Ivancic, Betty	1246-86th Street, Niagara Falls, NY 14304
Joyce, James M.	2744 Thornwoods Dr., Niagara Falls, NY 14304
Luna, Joe	1318 Whitney Ave., Niagara Falls, NY 14301
Marasco, Richard A.	809 Vanderbilt Ave., Niagara Falls, NY 14305
Merino, Gail M.	9365 Rivershore Dr., Niagara Falls, NY 14304
Merino, Rocco	9140 Rivershore Drive, Niagara Falls, NY 14304
Shaffer, Brian	1401 Lafayette Avenue, Niagara Falls, NY 14305
Smith, Pamela	628 Chestnut Ave., Niagara Falls, NY 14305

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 COMMISSION

The following was RECEIVED AND FILED

Agenda Item #19

Tabling of request for All-Way stop signs at LaSalle Avenue & 22nd Street pending and denial of handicap Access space at 206 70th Street

1705 WILLOW AVENUE: HANDICAPPED ACCESS SPACE

Agenda Item #20

RE: Approval of handicapped access space at 1705 Willow Avenue

At the Traffic Advisory Commission meeting held on April 1, 2009, the Commission recommended **APPROVAL** of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1705 WILLOW AVENUE

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

Submitted By: Patsy Ciccarelli, 1705 Willow Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

443-22ND STREET: HANDICAPPED ACCESS SPACE

Agenda Item #21
RE: Approval of handicapped access space at 443-22nd Street
At the Traffic Advisory Commission meeting held on April 1, 2009, the Commission recommended **APPROVAL** of the following item:
INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 443 – 22ND STREET
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Irene Rachwal, 443 – 22nd Street
It is requested that City Council approve this recommendation.
Council Member Fruscione moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

WITKOP AVENUE-ALTERNATE OVERNIGHT PARKING

Agenda Item #22
RE: Approval of alternate overnight parking on Witkop Avenue between 84th Street and 85th Street
At a Traffic Advisory Commission meeting held on April 1, 2009 the Commission recommended **APPROVAL** of the following item:
INSTALL ALTERNATE OVERNIGHT PARKING ON WITKOP
AVENUE BETWEEN 84TH STREET & 85TH STREET
A Petition from the residents of this block was received with 70% signatures.
Submitted By: Anna Quarantillo, 8402 Witkop Avenue and Petition/Residents of Block
It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

PERRY AVENUE-ALTERNATE OVERNIGHT PARKING

Agenda Item #23
RE: Approval of alternate overnight parking on Perry Avenue between 73rd and 74th Streets
At a Traffic Advisory Commission meeting held on April 1, 2009 the Commission recommended **APPROVAL** of the following item:
INSTALL ALTERNATE OVERNIGHT PARKING ON PERRY
AVENUE BETWEEN 73RD STREET & 74TH STREET
A Petition from the residents of this block was received with 80% signatures.
Submitted By: Jason Petrus, 160 - 74th Street and Petition/Residents of Block
It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

2103 MACKENNA AVENUE-HANDICAPPED WARNING ADVANCE SIGN & LOADING ZONE

Agenda Item #24

RE: Approval to install Handicapped Warning sign advance of 2103 Mackenna Avenue, and install a 50' loading zone at 2103 Mackenna Avenue

At a Traffic Advisory Commission meeting held on April 1, 2009, the Commission recommended **APPROVAL** of the following item:

(A) INSTALL A HANDICAPPED WARNING SIGN ADVANCE OF 2103 MACKENNA AVENUE, AND (B) INSTALL A 50' LOADING ZONE (6A.M. – 5P.M.), AT 2103 MACKENNA AVENUE

Request (A) was made to alert the community to drive with caution due to the handicapped clients being serviced at 2103 MacKenna Avenue; request (B] was made to facilitate the loading/unloading of clients in front of 2103 Mackenna Avenue.

Submitted By: Angela Gantt, Self Advocacy Group Facilitator, Niagara Cerebral Palsy/Community Vocational Rehabilitation Center, 2103 Mackenna Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

2526 PINE AVENUE-LOADING ZONE

Agenda Item #25

RE: Approval of loading zone at 2526 Pine Avenue

At a Traffic Advisory Commission meeting held on April 1, 2009, the Commission recommended **APPROVAL** of the following item:

INSTALL A 25' LOADING ZONE (7A.M. – 5:30P.M.) IN FRONT OF 2526 PINE AVENUE

Request was made to facilitate pick-up/drop-off by customers in front of 2526 Pine Avenue.

Submitted By: Gus Mangione & Joe D'Angelo, Co-Owners, Time 1-Hour Cleaners, 2526 Pine Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

1818 PINE AVENUE-LOADING ZONE

Agenda Item #26

RE: Approval of loading zone at 1818 Pine Avenue

At a Traffic Advisory Commission meeting held on April 1, 2009, the Commission recommended **APPROVAL** of the following item:

INSTALL A 30' LOADING ZONE (11A.M. – 7P.M.) IN FRONT OF 1818 PINE AVENUE

Request was made to facilitate the loading/unloading of deliveries and customer purchases in front of 1818 Pine Avenue.

Submitted By: Shawn Highway, Owner, Another Man's Treasure, 1818 Pine Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

2709 GRAND AVENUE-HANDICAPPED ACCESS SPACE

Agenda Item #27
RE: Approval of handicapped access space at 2709 Grand Avenue
At the Traffic Advisory Commission meeting held on April 1, 2009, the Commission recommended **APPROVAL** of the following item:
INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2709 GRAND AVENUE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Mary Louise Leonard, 2709 Grand Avenue
It is requested that City Council approve this recommendation.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

425 5th STREET-HANDICAPPED ACCESS SPACE

Agenda Item #28
RE: Approval of handicapped access space at 425 5th Street
At the Traffic Advisory Commission meeting held on April 1, 2009, the Commission recommended **APPROVAL** of the following item:
INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 425 – 5TH STREET
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Mary Rung, 425 – 5th Street
It is requested that City Council approve this recommendation.
Council Member Walker 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

BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS FOR HOMESTEAD AND NON-HOMESTEAD ASSESSMENT ROLL

Agenda Item #29
RE: Approval of certification of Base Percentages, Current Percentages and Current Base Proportions
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 Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

RESOLUTION: RELAY FOR LIFE, 2009-32

Agenda Item #30
Relative to the American Cancer Society's "Relay for Life-2009"
BY: All Council Members

RELATIVE TO THE AMERICAN CANCER SOCIETY'S
RELAY FOR LIFE - 2009

BY:
Council Chair Chris Robins
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Sam Fruscione
Council Member Charles Walker

WHEREAS, the Relay for Life is the American Cancer Society's signature activity which offers everyone in a community an opportunity to participate in the fight against cancer; and

WHEREAS, teams of people from all walks of life have fun while raising much-needed funds to fight cancer and raise awareness of cancer prevention and treatment; and

WHEREAS, the United Steelworkers of America Local 9434, which represents employees of the City of Niagara Falls, has sponsored a team in the Relay for Life of Lewiston-Niagara for the past eleven years; and

WHEREAS, the Honorable Paul A. Dyster of the City of Niagara Falls, New York has proclaimed May 1st, 2009 as "PAINT THE TOWN PURPLE DAY" in support of the Lewiston-Niagara Relay for Life.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York recognizes and applauds the work of the American Cancer Society in creating the Relay for Life movement as a life-changing event that brings together more than 3.5 million people each year.

BE IT FURTHER RESOLVED that the Niagara Falls City Council asks the citizens of Niagara Falls, New York to join them in spreading awareness about this event by celebrating May 1st, 2009 as "PAINT THE TOWN PURPLE DAY."

Yeas 5
Nays 0

ADOPTED

04/20/09

RESOLUTION: SOUTH JUNIOR PROJECT & 39TH STREET SCHOOL/OLD MUNICIPAL COURT BUILDING PROJECT, 2009-33

Agenda Item #31

Relative to South Junior project and 39th Street School/Old municipal Court Building project

BY: Councilman Charles Walker

WHEREAS, City staff have prepared a Restore NY grant application for the above referenced projects, and

WHEREAS, public hearings were held on the 20th day of April, 2009 at 7:00 PM Eastern Daylight Time, in the City Hall Chambers of the City of Niagara Falls, New York at City Hall, 745 Main Street, and that the required notices of said hearings were published in the Niagara Gazette preceding said hearing. At the hearing public comments were heard regarding a Restore NY Grant application for two (2) projects: the "South Junior" Project and "39th Street School/Old Municipal Court Building" Projects. The application for the "South Junior" Project is for $5 million for a portion of the costs of reconstruction of the building projected for residential/commercial mixed use. The application for the "39th Street School/Old Municipal Court Building" Project is for $1.3 million for a portion of the costs of reconstruction of the buildings projected for residential/commercial mixed use.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby finds that the proposed projects are consistent with the municipality's local revitalization or urban development plan; that the proposed financing is appropriate for the specific projects; that the projects facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources.

Yeas 4
Nays 1

ADOPTED

Chairman Robins explained that this is just to apply for grants.

RESOLUTION: KIWANIS CLUB OF NIAGARA FALLS JOHN T. ANDERSON AWARDS DINNER, 2009-34

Agenda Item # 32

Relative to the Kiwanis Club of Niagara Falls John T. Anderson Awards Dinner

BY: All Council Members

WHEREAS, on May 2nd, 2009, the Kiwanis Club of Niagara Falls will hold their 22nd annual John T. Anderson Community Service Awards Dinner; and

WHEREAS, the Niagara Falls Junior Military League Cadets will be the recipient of the John Weber Memorial Award as the Organization of the Year; and

WHEREAS, Michael Bird, Richard Fleck, Nicolas Granto, Walter Nichols and Lt. Kelly Rizzo of the Niagara Falls Police Department will be the recipients of the John T. Anderson Award as Citizens of the Year; and

WHEREAS, Kingsley Chandler will be the recipient of the Sam Berman Kiwanian of the Year for Niagara Falls; and

WHEREAS, Cynthia Weber will be the recipient of the Niagara Falls Kiwanis Fellow Award; and

WHEREAS, Michael Roemer will be the recipient of the Lewiston Kiwanian of the Year Award; and

WHEREAS, Mary Sposito will be the recipient of the Lockport Kiwanian of the Year Award.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the Kiwanis Club of Niagara Falls' 22nd Annual Community Service Awards Dinner.

Yeas 5
Nays 0

ADOPTED

CONTRACT: HOUSTON & LOWNIE ARCHITECTS, CITY HALL EXTERIOR RESTORATION

Agenda Item #33

RE: Consultant Services for City Hall Exterior Restoration Project

At its March 24, 2008 meeting the City Council approved accepting a matching grant from the New York State Environmental Protection Fund in the amount of $274,899.00 for the City Hall Exterior Restoration Project. The total cost of the project is $549,899.00. Please be advised that Hamilton, Houston & Lownie Architects has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Hamilton, Houston & Lownie Architects at its Proposal Price of $67,720.00. Funding is available through Funding Code H0611.2006.0612.0449.599.

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

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 8:02 p.m.

Carol A. Antonucci
City Clerk

MAY 4, 2009

REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the May 4, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Walker moved to approve the Minutes from the City Council Meeting of April 20, 2009.

Yeas	5
Nays	0
	APPROVED

Tom Vitello and George Morreale, the City's appointees to the Niagara Falls Water Board, gave the Council Members an update on their activities. They said that with the construction season starting, they are stressing that the City and the Water Board coordinate their efforts so that both are working in the same areas at the same time. Also, the Board is working with the Fire Department on prioritizing hydrant replacements. They thanked the City Administration, the Community Development Department and the Water Board Administration for working together to help the citizens affected by the water main break on 56th Street. Chairman Robins thanked Mr. Vitello for keeping him informed on the day of the water main break.

DiDonato Associates representatives were present to speak on their work at the Hyde Park Ice Rink. The feasibility study will be completed in July, construction will begin in January or February of 2010, and the work will be completed in December of 2010. Chairman Robins asked that the Council, the Administration and Council Member Fournier be kept updated on the progress of the Project.

In the Administrative Update, City Administrator Donna Owens reported that:

1. Sidewalk, forestry and pothole reports have been forwarded to the Council.
2. Purchasing Agent Dean Spring said that City and Court officials have met with movers to coordinate the move to the new Courthouse; the E911 system is in the process of being set up; a new phone system will be installed for the Fire Department; and meetings have been held with Ciminelli as the Project is close to being completed.
3. The 2009 In House CHIPS Paving Program has started. Council Member Walker questioned a walk-on to the Agenda to authorize $1M for materials for paving projects, and Mayor Paul Dyster explained that as the paving program is progressing, the City is trying to complete as much work as possible during the construction season. City Controller Maria Brown added that 2008 Casino funds have not yet been received. Director of Public Works David Kinney added that the Pro Patch truck is in use, but not the recycling attachment, and an additional crew will be added next week.

4. City Engineer Ali Marzban said that the Lewiston Road Project may start this summer, but that it is a DOT Project, and Deputy Corporation Counsel Thomas O'Donnell added that the City has done all it can to move the Project forward, and now the City must wait for DOT.

5. The City's Parks and Pools will open June 29, and Mr. Kinney added that the Hyde Park site will stay open until 7 PM. Chairman Robins said that we need more and varied activities for the City's youth, and Council Member Fruscione added that the programs seem to stay the same from year to year. Council Member Walker questioned the safety for children playing in the area of construction for the Hope VI Project, and the Mayor said that he will look into it.

In response to Council Member Fruscione, Mayor Dyster will report on flood maps for the Cayuga Island area at the next Council Meeting.

Chairman Robins asked if there is anything the City can do to help the new operator open the restaurant at the Hyde Park Golf Course, and Mayor Dyster said that he is working on it.

Council Member Anderson asked if the contractor for the 77th Street Project has been paid yet, and Mr. Kinney responded that the contractor will be paid when all aspects of the project are completed.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of three Items to be added to the Agenda:

1. A communication relative to appropriating $1M for street millings and overlays.

Chairman Robins said that when such a large expenditure of taxpayer dollars is involved, he would like to see the Item on the regular Agenda, rather than as a walk-on, so that the public could be properly informed. Mayor Dyster explained that this Item was not ready in time to meet the Agenda deadline, but was brought as a walk-on so that the work could begin as soon as possible.

Council Member Fournier 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 #21

2. A Resolution relative to honoring Deanne White.

Council Member Walker 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.

3. A Resolution relative to honoring Racine Bedgood.

Council Member Fruscione 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 #23.

In response to Council Member Walker's questions, Director of Community Development Robert Antonucci explained that the majority of the stimulus money from the Homelessness Prevention & Rapid Re-Housing Program Grant (Agenda Item #2) would be used to provide rental assistance for up to 18 months, and not for mortgage assistance. He also added that funds for administering the Grant were included, and he would request that stipends be paid to two current employees of his Department to administer the Grants, rather than hire new employees.

Mr. Kinney answered the Council Members questions on Agenda Item #4, relative to new equipment for his Department.

Corporation Counsel Craig Johnson said that a budget for use of requested funds for the Memorial Day parade observance would be submitted for his approval before funds were disbursed (Agenda Item #6).

Council Member Fruscione questioned why the City would provide funding for an event held in Lewiston (Agenda Item #7), and Mayor Dyster replied that this event was part of an event that featured activities throughout the City and surrounding areas.

Mr. Kinney answered Council Member Walker's questions on Agenda Item #10, relative to an Energy Services Program with the Power Authority, and said that only one section was done previously.

Chairman Robins questioned the settlement amount for a claim (Agenda Item #13), and Mr. Johnson suggested that the Council go into Executive Session to discuss the matter.

Mr. O'Donnell explained that Agenda Item #20 should be amended to extend the public comment period to June 15, 2009.

At 5:05 PM, Council Member Fruscione moved for an Executive Session to discuss Agenda Item #13, settlement and payment of a claim, and his motion was unanimously approved. At 5:15 PM, Council Member Fruscione moved to end the Executive Session, and his motion was unanimously approved.

Chairman Robins adjourned this Work Session at 5:15 PM

Chairman Robins reconvened the Meeting at 7:02 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker 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	Robert Moses Parkway removal
Yvonne Taylor	Park to replace 10th Street Park
Ruth Knepp	Minimum water charge & lower electric rates
Greg Schnitzer	Park at South Junior site
Eliza Barnett	Park at South Junior site
Jeff Street	Park at South Junior site & Police Matrons positions
Nicholas D'Agostino	Health Dept. Emergency Response Program & naming concession stand at new court house in honor of his mother
Karen Carroll	Park at South Junior site
Vincent Mameli	Stevenson Avenue skate park; park in LaSalle area for youth; seats on various boards
Frances Douglas	Park at South Junior site
Harvey Kelley	Park at South Junior site; Police Matrons positions
Carl Slenk	Park at South Junior site
Dennis Winchell	Police Matrons positions
Randy Heller	Police Matron positions
Gloria Dolson	Courthouse on Main Street; conditions in City
Bill Bradberry	Equal treatment for all;Park at South Junior site;Supervision & more activities in parks;change Diversity Coordinator position to full time and fill that position
Shawn Rose	Park at South Junior site

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: VALERI CONCRETE CONSTRUCTION, INC., SIDEWALK REPLACEMENTS

Agenda Item #1

RE: Approval of agreement with Valeri Concrete Construction, Inc. for sidewalk replacement at a cost of $270,000.00

The following is the result of bids received on April 20, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
Valeri Concrete Construction, Inc. 6655 Errick Rd. North Tonawanda, NY 14120	$206,752.00
C&C Contractors	$223,600.00
Ventry Contracting	$231,850.00
Campobello Contractors, Inc.	$255,777.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Valeri Concrete Construction, Inc. Please note all costs are totally reimbursable by New York State CHIPS Funds.

Additionally, the Contractor has agreed to extend the unit prices of his bid to both utilize the maximum CHIPS funding available for sidewalks ($250,000.00), and complete sidewalk replacements for the Niagara Falls Water Authority, in an amount not to exceed $20,000.00, under the Niagara Falls Water Board budget, pending authorization by the Niagara Falls Water Board. Therefore, the City of Niagara Falls and the Niagara Falls Water Board will enter into a contract with Valeri Concrete Construction, Inc., for a grand total of $270,000.00.

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

Yeas	5
Nays	0
	APPROVED

HOMELESSNESS PREVENTION & RAPID RE-HOUSING PROGRAM GRANT

Agenda Item #2

RE: Approval of $1,037,000.00 Homelessness Prevention & Rapid Re-Housing Program Grant

The City has been notified by HUD that it can expect to receive $1,037,000 of economic stimulus funds under the Homelessness Prevention and Rapid Re-Housing Program. The program provides assistance to homeless persons and to persons who are at risk of becoming homeless.

The process entails a substantial amendment to the Community Development Consolidated Plan. After funding is received, Council will approve actual allocation of the grant funds to sub-grantees chosen to provide case management services to eligible persons. The City Section 8 Leased Housing Office will provide intake services to determine eligibility. The Leased Housing Office will be able to earn much needed revenues for its administrative services.

Will the Council vote to authorize the Mayor to execute any documents necessary to effectuate the grant?

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

Yeas	5
Nays	0
	APPROVED

NEIGHBORHOOD STABILIZATION PROJECT GRANT

Agenda Item #3

RE: Approval of $200,000.00 Neighborhood Stabilization Project Grant

The City has been notified by the NYS Housing Finance Agency that the City has received a $200,000 Neighborhood Stabilization Project grant of federal economic stimulus funds. The funds are available for demolitions in the South End, and will augment the CDBG and State Finance Law 99-h funds currently budgeted or anticipated for next year for demolitions in that area. We will have a total of $1 Million to spend on demolition for the South End Demolition and Redevelopment Project over the next two years from the three sources of funds.

Will the Council vote to approve the grant agreement for the NSP grant as set forth herein, and authorize the Mayor to execute any documents and undertake any actions necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: SNOWFIGHTING EQUIPMMENT & CONSULTANTS OF BUFFALO, INC.;ASPHALT MELTER-APPLICATOR

Agenda Item #4

RE: Approval of Bid #20-09 for asphalt melter-applicator with Snowfighting Equipment of Buffalo, Inc. for a total of $56,280.62

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

TO: Snowfighting Equipment & Consultants of Buffalo, inc.
PO Box 126 South Side Station
Buffalo, NY 14220-0126

FOR: One (1) trailer mounted asphalt melter-applicator with compressor and one demand activated diesel fueled pump: $54,586.12

Options to Include:

• Mast Mounted Strobe Light	$384.08	
• Mounted Fire Extinguisher	316.90	
• Mounted Tool Box	102.48	
• Mounted Spare Tire	273.00	
• Sealant Material Gravity Feed Spout	326.04	
• 3” Swivel Disk	73.00	
• 4” Swivel Disk, ½” tip	103.00	
• Squeegee (Two $58.00 each)	116.00	
Total Options:		1,694.50
GRAND TOTAL:		**$56,280.62**

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 three (3) companies. The above referenced company submitted the only bid.

Funds for this expenditure are available in the 2009 budget code: H0912.2009.0912.0230.000.

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

Yeas	5
Nays	0
	APPROVED

NIAGARA ARTS AND CULTURAL CENTER

Agenda Item #5

RE: Approval to support Niagara Arts & Cultural Center grant application to New York Main Street Program

The Niagara Arts and Cultural Center, a not-for-profit 501(C)(3) organization, is submitting a grant application in the amount of $64,000 to the New York Main Street Program (NYMS) entitled "The Grand Theater and Streetscape Upgrade." The NYMS grant program provides funds from the New York State Housing Trust Corporation (HTFC) to business improvement districts and other not-for-profit organizations that are committed to revitalizing historic downtowns, mixed-use neighborhood commercial districts, and village centers. The NYMS grant program is a "bricks and mortar" program that provides funding for building renovations, facades and streetscape improvements and, in limited cases, capital funding projects intended to anchor downtown districts.

This application does not require financial contribution from the City.

Will the City Council support the execution and submission of this grant application?

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

Yeas 5
Nays 0

APPROVED

MEMORIAL DAY PARADE

Agenda Item #6

RE: Approval to fund $5,000.00 for the Memorial Day Parade observance from the Tourism fund balance

A proposal has been submitted by the American Legion Post 381 Memorial Day Parade Committee chaired by Cyndi Stonebraker. She proposes to coordinate the 2009 Memorial Day parade observance and has requested City funding in the amount of $5,000. Funding for this is available through tourism fund balance. This request is subject to submission by the Committee of a budget in form and substance satisfactory to the Corporation Counsel.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

NIAGARA RISES: FUNDING

Agenda Item #7

RE: Approval to fund $6,000.00 from Tourism fund balance to Niagara Rises to support its Niagara Homecoming Program activities

Niagara Rises has requested $6,000 in funding to help support its Niagara Homecoming Program on June 25th, June 26th, June 27th and June 28th of 2009. The activities include a kick-off reception, job fair, art show at the NACC, a Niagara Tour Extravaganza, Lewiston Garden Walk and Niagara Power Baseball Game, to name a few. This will be in connection with the Positively Main Street celebration to be held concurrently on June 27th and June 28th, 2009.

Funding for this will come from Tourism Fund Balance.

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

SEWER REPAIR: 35TH STREET & PINE AVENUE

Agenda Item #8

RE: Approval to pay $13,200.00 for emergency sewer repair at 35th Street and Pine Avenue

Emergency sewer repairs were required to be performed to a City-owned sanitary sewer lateral located at 35th Street and Pine Avenue. The total cost for labor and materials to do this necessary repair totaled $13,200. Funding for this emergency repair is available in the Mayor's Contingency Fund (A.1990.7630.0449.599).

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

HYDE PARK FENCING, BASEBALL DIAMONDS & GOLF COURSE

Agenda Item #9

RE: Approval to repair fencing at the Hyde Park baseball diamonds and parts of the golf course at a cost estimate of $125,000.00 available from casino funds

Portions of the fence near the baseball diamonds and golf course at Hyde Park is deteriorated and in need of repair. Specifically, fencing is needed near baseball diamonds 1, 2, 3 and 7 at an estimated cost of $75,000, and golf course fencing is needed in certain areas in order to protect adjacent houses at an estimated cost of $50,000. The total amount for both projects is estimated to be $125,000. Funding is available through Casino Funds.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: N. Y. POWER AUTHORITY, ENERGY SERVICES PROGRAM

Agenda Item #10

RE: Approval of agreement with the New York Power Authority for Energy Services Program

The New York Power Authority provides an Energy Services Program which includes the review of City facilities and preparation of facility audits and feasibility reports for the installation of energy conservation and/or energy saving changes to City facilities. The financing for the construction and/or installation of these changes can also be provided by the Authority.

Attached(on file in the City Clerk's Office) is a proposed Agreement between the City and the New York Power Authority for this program.

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

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 CORPORATION COUNSEL

CLAIM: KLACZYK, STEPHEN

Agenda Item #11

RE: Approval to settle and pay claim of Stephen Klaczyk in the amount of $1,436.13

Date Claim Filed:	February 19, 2009
Date Action Commenced:	N/A
Date of Occurrence:	January 23, 2009
Location:	Pine Avenue and 22nd Street
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Police Officer Benjamin Gornbein
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1,436.13
Make Check Payable to:	Stephen Klaczyk
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

CLAIM: SCHMITZ, PATRICIA

Agenda Item #12

RE: Approval to settle and pay claim of Patricia Schmitz in the amount of $385.00

Date Claim Filed:	February 10, 2009
Date Action Commenced:	N/A
Date of Occurrence:	January 28, 2009
Location:	Alley behind 3350 D Street, Niagara Falls, New York.
Nature of Claim:	Fence damage sustained in an accident with City vehicle.
City Driver:	William J. Whitmire
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$385.00
Make Check Payable to:	Patricia Schmitz
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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: KEPHART, RHIANNON & PASSCORP

Agenda Item #13
RE: Approval to settle and pay claim of PASSCorp. & Rhiannon Kephart & the Ballow Law Firm, P.C. in the amount of $625,000.00

Date Claim Filed:	February 10, 2005
Date Action Commenced:	March 24, 2006
Date of Occurrence:	January 20, 2005
Location:	2470 Niagara Avenue, Niagara Falls, NY
Nature of Claim:	Personal injuries sustained during ERT raid
Status of Action:	In suit, pending trial.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$625,000.00
Make Checks Payable to:	$250,000.00 to PASSCorp. $375,000.00 to Rhiannon Kephart and The Ballow Law Firm, P.C.
Conditions:	General Release to City, approved by Corporation Counsel. The Corporation Counsel shall be authorized to execute any and all settlement documents relative to this matter.

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

Yeas	5
Nays	0
	APPROVED

Council Member Walker explained that it is in the City's best interest to settle this claim.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE PLANNING BOARD

The following items were RECEIVED AND FILED

Agenda Item #14
RE: Referral regarding proposed amendments to Zoning Ordinance

Agenda Item #15
RE: Referral regarding Generic Environmental Impact Statement

Agenda Item #16
RE: Referral regarding Comprehensive Plan

RESOLUTION: AMENDING OFFICIAL ZONING MAP IN SECTION 1306.04: 561 PORTAGE ROAD, 2009-35

Agenda Item #17

Relative to Amending Official Zoning Map in Section 1306.04 for 561 Portage Road

BY: Counci Member Steve Fournier

WHEREAS, the Niagara Falls Planning Board has received a request to rezone certain property; and

WHEREAS, the Planning Board held a public hearing on such request and has voted to recommend this change to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the boundaries shown on the City's Zoning Map adopted pursuant to Section 1306.04 of the Codified Ordinances, is hereby amended to change the property located at 561 Portage Road, Niagara Falls, New York (SBL #159.06-1-4), from its current classification district of Multi-family Residential (R-3) to Neighborhood Commercial (C-1).

Yeas 5
Nays 0
ADOPTED

RESOLUTION: AMENDING OFFICIAL ZONING MAP IN SECTION 1306.04: 520 HYDE PARK BOULEVARD, 2009-36

Agenda Item #18

Relative to Amending Official Zoning Map in Section 1306.04 for 520 Hyde Park Blvd.

BY: Council Member Steve Fournier

WHEREAS, the Niagara Falls Planning Board has received a request to rezone certain property; and

WHEREAS, the Planning Board held a public hearing on such request and has voted to recommend this change to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the boundaries shown on the City's Zoning Map adopted pursuant to Section 1306.04 of the Codified Ordinances, is hereby amended to change the property located at 520 Hyde Park Boulevard, Niagara Falls, New York (SBL #159.27-2-31), from its current classification district of Public Space (PS) to Neighborhood Commercial (C-1).

Yeas 5
Nays 0
ADOPTED

RESOLUTION: AMENDING OFFICIAL ZONING MAP IN SECTION 1306.04: 555 39TH STREET, 2009-37

Agenda Item #19

Relative to Amending Official Zoning Map in Section 1306.04 for 555 39th Street

BY: Council Member Steve Fournier

WHEREAS, the Niagara Falls Planning Board has received a request to rezone certain property; and

WHEREAS, the Planning Board held a public hearing on such request and has voted to recommend this change to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the boundaries shown on the City's Zoning Map adopted pursuant to Section 1306.04 of the Codified Ordinances, is hereby amended to change the property located at 555 39th Street, Niagara Falls, New York (SBL #160.05-1-13), from its current classification district of Heavy Commercial (C-3) to Neighborhood Commercial (C-1).

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NOTICE OF COMPLETION OF DGEIS & JOINT PUBLIC HEARING RE: 2009 PROPOSED AMENDMMENTS TO COMPREHENSIVE PLAN & ZONING ORDINANCE. 2009-38

Agenda Item #20

Relative to notice of Completion of DGEIS & Joint public hearing to consider 2009 proposed amendments to Comprehensive Plan & Zoning Ordinance

WHEREAS, by resolution dated February 27, 2007, the Planning Board of the City of Niagara Falls determined that adoption of certain 2007 amendments to the City of Niagara Comprehensive Plan and Zoning Ordinance ("Proposed Amendments") is necessary and appropriate to promote greater social and economic opportunity and enhanced quality of life in the City and to guide the physical revitalization of City neighborhoods and other community districts; and

WHEREAS, the Proposed Amendments are the culmination of a widely publicized and open planning process dating back until at least the spring of 2003; and

WHEREAS, the proposed Zoning Amendments represent the first comprehensive upgrade to this critical element of our City Code for half a century; and

WHEREAS, the Planning Board subsequently made additional changes to the Proposed Amendments designed to address concerns expressed by the public and interested agencies, to clarify the documents, to further the purposes and intent of the Comprehensive Plan, and to enhance consistency of the proposed zoning changes with applicable enabling legislation and other legal and procedural requirements; and

WHEREAS, the aforementioned changes were embodied in a draft 2008 Comprehensive Plan and draft Zoning Ordinance dated October 11, 2008, which changes were the subject of a duly noticed Planning Board public hearing on November 5, 2008; and

WHEREAS, by resolution dated November 12, 2008, the Planning Board thereafter recommended that the City Council adopt the Proposed Amendments as revised in 2008; and

WHEREAS, in response to the Planning Board's November 12, 2008 recommendation, the City Council requested that the Planning Board further revise the Proposed Amendments in certain respects including, in particular, adjustments to the proposed building height restrictions in the downtown districts to further facilitate economic development in a manner that is consistent with the purposes and intent of the proposed Comprehensive Plan; and

WHEREAS, by resolution dated April 22, 2009, the Planning Board recommended that the City Council accept certain proposed additional changes to the proposed Zoning Amendments which are designed to address concerns raised by of the City Council, and certain other minor amendments, as specified below:

Zoning Code § 1301.8(D) - replaces the term "Senior Planner" with "Director of Planning";

Zoning Code §§ 1302.4(c); 1324.3; 1324.4(table);1324.4.1; 1324.4.1(A); 1324.4.1(A)(3); 1324.1(B)(2); 1324.1(C)(1); 1324.1(C)(2); 1324.1(C)(3); 1324.4.2(B)(3); 1324.4.2(C)(1); 1324.4.2(C)(1)(b); 1324.4.2(C)(1)(c); and 1324.9 - replaces the term "Senior Planner" with "Director of Planning or his designee"

Zoning Code §§ 1301.10(E)(2)(c) and 1301.10(E)(4)(b) - these sections have been deleted, pending further legislative action necessary for the creation of property liens for unsatisfied adjudicated monetary penalties for zoning code violations and for the cost of removing zoning code violations.

Zoning Code § 1303.2.3(C) and Schedule 1 - provides a new definition of "Contractor's Yard."

Zoning Code § 1312.4(A) - clarifies the text regarding permitted commercial uses.

Zoning Code § 1314.3 (Bulk and Density Standards Table) - changes the base building height allowances in D1 districts.

Zoning Code § 1314.4.1 - includes a revised building height bonus system which enables developers to exceed the new base height allowances in the D1 district in exchange for providing various public amenities, including public plazas and parks, structured parking, improved retail / commercial design and streetscape elements, which bonuses are subject to building height caps of 608 ft (D1-A), 304 ft (D1-B) and 152 ft (D1-C),

as well as square footage limitations for floors at specified elevations.
Zoning Code § 1319.3 - renumbered as 1319.2.1
Zoning Code § 1319.2.4 - conformed to new building height bonus system in § 1314.4.1.
Zoning Code § 1322.6(A) - now requires landscape buffer between industrial /commercial districts and both residential and open space districts.
Zoning Code Schedule 1 - deletes Motor Vehicle Repair from Institutional District and adds Heavy Manufacturing to I2 District (both errors).
Zoning Code Schedule 7 - reflects revised information concerning County, State and Federal Roads.
Zoning Code Schedule 8 - Changes Niagara Arts & Cultural Center to C2-B and South Junior School, Public Safety Building and 39th St. School to R3-C (for consistency with City economic development policy initiatives).

WHEREAS, the Comprehensive Plan has also been revised in minor respects unrelated to the Zoning Amendments, in that Part III, Section 3 ("Institutional Strengthening") has been deleted because it predates the creation of the City Department of Planning & Economic Development and therefore is no longer applicable.

WHEREAS, the City has caused to be prepared a Draft Generic Environmental Impact Statement (DGEIS) for the Proposed Amendments which indicates that the Proposed Amendments present the potential for significant adverse and beneficial environmental impacts, including potential impacts on land use and zoning, community character, demographics, community economics, transportation, natural resources and air quality; and

NOW, THEREFORE, BE IT RESOLVED, that:

1. As the agency principally responsible for adopting the Proposed Amendments, the City Council hereby declares itself lead agency for purposes of compliance with SEQRA; and
2. The City Council hereby determines that, based upon the nature and scope of the Proposed Amendments, adoption of the Proposed Amendments constitutes a "Type I" action under SEQRA; and
3. The City Council has further determined that, because the Proposed Amendments present the potential for one or more significant environmental impacts as specified in the DGEIS, the City Council hereby issues a SEQRA Positive Declaration, confirming the City Council's determination that preparation of a DGEIS for the proposed amendments is necessary and appropriate, and that public scoping of the DGEIS is unnecessary in light of the significant public participation that has occurred to date; and
4. The City Council has reviewed the DGEIS for the Proposed Amendments and has determined that it is complete for purposes of SEQRA, and therefore directs that the attached(on file in City Clerk’s Office) Notice of Completion of DGEIS and Notice of Joint Public Hearing on June 1, 2009 at 7:00pm be duly published and distributed as specified therein for purposes of receiving further public comments with respect to the Proposed Amendments and to fulfill the requirements of SEQRA, General City Law § 28-a(7) and City of Niagara Falls Zoning Code § 1308.06.

Yeas 5
Nays 0
ADOPTED

DEPARTMENT OF PUBLIC WORKS, STREETS: FUNDING FOR IN-HOUSE PAVING

Agenda Item #21

RE: Approval to appropriate $1,000,000.00 from Special Project Fund Balance for street millings and overlay

In order to continue with the 2009 in-house paving program, it is necessary at this time to appropriate 1 million dollars ($1,000.000.00) for millings and overlay. The funding for this project will come from the special project 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

RESOLUTION: WHITE, DEANNA, HONORING, 2009-39

Agenda Item #22
Relative to honoring Deanna White
BY: All Council Members
WHEREAS, in April of 2009, a fire broke out here in the City of Niagara Falls; and
WHEREAS, Deanna White, a 25-year old mother of a 4-year old daughter and a business major at Niagara County Community College and a member of the Trinity Missionary Baptist Church was walking along when she smelled smoke; and
WHEREAS, the quick actions of running into the apartment and up the stairs and grabbing a 4-year old while rushing him out of the house could very well have saved a life; and
WHEREAS, Webster's dictionary describes a hero as one that shows great courage and a person admired for achievements and qualities.
NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls gives recognition to the actions of Deanna White and honors her as a hero for her efforts to save this young life.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: BEDGOOD, RACINE, HONORING, 2009-40

Agenda Item #40
Relative to honoring Racine Bedgood
BY: All Council Members

WHEREAS, in April of 2009, a fire broke out here in the City of Niagara Falls; and

WHEREAS, Racine Bedgood, a 24-year old mother of two girls and an employee of Opportunities Unlimited of Niagara and a member of the Potters House Christian Community Church, was walking along when she smelled smoke; and

WHEREAS, the quick actions of running into the apartment next door, covering a newborn baby in a blanket and rushing the baby to safety could very well have saved a life; and

WHEREAS, Webster's dictionary describes a hero as one that shows great courage and a person admired for achievements and qualities.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls gives recognition to the actions of Racine Bedgood and honors her as a hero for her efforts to save this young life.

Yeas 5
Nays 0

APPROVED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 8:20 p.m.

Carol A. Antonucci
City Clerk

MAY 18, 2009

REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the May 18, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of May 4, 2009.

Yeas	5
Nays	0
	APPROVED

Leonard DePrima of LiRo gave an update on the Courthouse Project. He noted that the final completion of the Project is in the works, the Police Department will be operational tomorrow morning, and the Courts will begin moving into the building on Friday; the developer and the contractor are addressing any concerns that have come up, and the total project will finish approximately $500,000 under budget. Geri Mondi, Secretary to the Council, thanked Mr. DePrima for always being available to address the Council's concerns and provide updates. Mayor Paul Dyster also thanked LiRo for their part in making this Project a reality.

City Controller Maria Brown gave an update on the City's financial picture. She reported that: the surface parking lots did better than expected, the Ramps almost broke even, all Department Heads stayed within their Budgets, expenses were under Budget, revenues were over Budget, there was a small surplus in the Tourism Budget, and the surplus of approximately $1.99M will go towards road repairs.

In her Administrative Update, City Administrator Donna Owens reported that:

1. The Transition Team for the Courthouse met this morning, and she thanked the members of the Team for working together.
2. There are various sources of funding that are being used for street paving/road repairs. Director of Public Works David Kinney noted that training and a demo of the "Zipper" will take place on Wednesday on New Road. City Engineer Ali Marzban informed the Council Members that the City had just today received the OK to advertise for bids for the Lewiston Road Project, and construction should begin in July. Mayor Dyster also spoke on various road repair projects. Council Member Anderson asked that the Administration do a survey of residents before any additional funds were spent for the Pothole Killer.
3. Environmental Assistant Alan Nussbaum spoke on the Cayuga Creek flood maps, and said that the City has appealed FEMA's designations of flood zones within the City. Council Member Fruscione asked for a copy of the appeal letter, and also asked that the Council be kept updated on this matter.

Chairman Robins asked Senior Planner Thomas DeSantis what has been proposed for Jayne Park, and noted that residents have asked that there be no parking lot in the Park. Mr. DeSantis responded that there has been much misinformation about plans for the Park. He said that a Plan was prepared in 2001, but due to the City's lack of financial resources, the Plan was never carried through. The City has reapplied for various Grants, and when the Grants are received and matching funds available, the residents will be asked for input before another Plan is prepared. Council Member Fruscione emphasized that meetings should be held for input from residents of Cayuga Island, not just LaSalle residents.

Director of Inspections Guy Bax praised the efforts of his Department for their involvement in the Courthouse Project.

Mr. Kinney noted for Council Member Anderson that the lights were on at the Veterans Memorial at Hyde Park.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of a communication relative to the Hyde Park Tennis Courts Resurfacing and Repairs Project to be added to the Agenda.

Council Member Fruscione 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 #23.

Chairman Robins asked that when a purchase is placed on the Agenda that has already been approved in the Capital Plan, the Agenda Item note the prior approval.

Fire Chief William MacKay noted that the pumper truck (Agenda Item #7) should arrive before October.

This Session ended at 5:25 PM

Chairman Robins reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Robins 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:

Phyllis Badali	Agenda Item #19
Margaret Wright	Agenda Item #19
Diane Tattersall	Agenda Item #16
Candace Corsaro	Agenda Item #16
Anita Leo	Agenda Item #16
Carl Slenk	Agenda Item #16
Harvey Kelly	Agenda Item #16
Michael Wilczek	Agenda Item #16
Jim Zielinski	Jayne Park Issues
Brian DelPorto	Jayne Park Issues
Cathy Burke	Jayne Park Issues
Laurie Andrews	Jayne Park Issues
Candace Corsaro	Jayne Park Issues
Ken Hamilton	Hope VI Project; Safety in parks; Mental Health services; Board of education election; Library funding; Females on City Council
Carrie Mitchell	Replacement for 10th Street Park
Helen Smith	North End Park
Patricia Scremin	Jayne Park Issues & Maintenance in parks

The following were RECEIVED AND FILED:

Agenda Item #1
Claim's Report for April, 2009.

Agenda Item #2
City Clerk's Report for April, 2009

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CD; HOME & EMERGENCY SHELTER GRANT PROGRAM, BUDGET MODIFICATIONS

Agenda Item #3
RE: Approval of Budget Modifications, Community Development, HOME and Emergency Shelter Grant Programs

On October 27, 2008, City Council approved the FY' 2009 Consolidated Annual Plan which includes the budgets for the Community Development, HOME, and Emergency Shelter Grant programs. These budgets were based on projected funding to be received from the federal government.

The City has recently been notified of the actual grants awarded by the U.S. Department of HUD. The CDBG Program was awarded an additional $26,299, the HOME Program was awarded an additional $92,741 and the ESG Program was awarded an additional $1,214. Therefore, we are proposing the following budget modifications to reflect the revised federal grants:

FEDERAL GRANT	PROJECTED GRANT	REVISED GRANT	INCREASED FUNDING	ACTIVITY TO BE FUNDED
Community Development BlockGrant (CDBG)	$2,500,000	$2,526,299	$26,299	Demolition
HOME Investment Partnership Program (HOME)	$550,000	$642,741	$92,741	City HOME Rehabilitation
Emergency Shelter Grant Program (ESG)	$110,000	$111,214	$1,214	Carolyn's House

Will Council vote to so approve and authorize the Community Development Director to make the necessary budget adjustments?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: S.V. MOFFETT CO., INC., SELF-CONTAINED SPRAYER

Agenda Item #4
RE: Approval of Bid #22-09 for a self-contained sprayer for a total of $26,021.63

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

TO: S.V. Moffett co., Inc.
33 Thruway park Drive
West Henrietta, NY 14586

FOR: One (1) New 2009 110 gallon self-contained sprayer:
$24,164.63
Options:

- 81 FM foam marker: $1,395.00
- 10-106 clear water wash tank: 462.00

Total Options: $1,857.00
Grand Total: $26,021.63

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 Four (4) Companies. The above referenced company submitted the only bid.

Funds for this expenditure are available in the 2009 Capital budget code: H0912.2009.0912.0230.000.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: BID #21-09 RENTAL OF EQUIPMENT, VARIOUS VENDORS

Agenda Item #5
RE: Approval of Bid #21-09 for rental of equipment
We respectfully request you award the above referenced bid as follows:
TO: North American Industrial Services.
4870 Packard Road
Niagara Falls, NY 14304
FOR: Item #'s 12, 13 and 51 per the attached tally sheet.
TO: Admar Supply Co., Inc.
1394 Main Street
Buffalo, NY 14217
FOR: Item #'s 44-47, 53 and 55 per the attached tally sheet.
TO: Monroe Tractor
5035 Genesee Street
Buffalo, NY 14225
FOR: Item #'s 25-27 per the attached tally sheet.
TO: National Vacuum Corp.
408-47th Street
Niagara Falls, NY 14304
FOR: Item #'s 24, 32, 37 and 52 per the attached tally sheet.
TO: Villani's Equipment, inc.
6405 Packard Road
Niagara Falls, NY 14304
FOR: Item #'s 1-4, 6, 9 and 39 per the attached tally sheet.
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 Eight (8) vendors. Five (5) bids were received.
Funds for this expenditure are available in the various department equipment rental codes: .0442.003 and .0442.599.
Council Member Fruscione moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CONTRACT: PREMIER PYROTECHNICS, INC., FIREWORKS DISPLAY, JULY 4, 2009

Agenda Item #6
RE: Approval of agreement with Premier Pyrotechnics, Inc. for fireworks display in the amount of $25,000.00
We respectfully request you award a contract for fireworks display as follows:
TO: Premier Pyrotechnics, Inc.
Produced and Distributed by
Skylighters of Western new York, Inc.
3362 Baker Road
Orchard Park, NY 14127
FOR: Fireworks displays on July 4th at Hyde Park: $25,000.00
Requests for proposals were sent to six (6) companies. The above referenced company provided our July 4th fireworks display last year. A proposal was also received from Zambelli Fireworks.
Funds are available in the Tourism Fund account code T6410.0000.0449.599.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CONTRACT: EMPIRE FIRE APPARATUS, INC.; FIRE TRUCK

Agenda Item #7

RE: Approval of Bid #19-09 for a 1500 gpm Pumper Fire Truck in the amount of $298,495.00

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

TO: Empire Fire Apparatus, Inc.
3995 Lockport Road
Niagara Falls, NY 14305

FOR: One (1) 1500 GPM pumper: $298,495.00

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 Nine (9) vendors. Four (4) bids were received. The above referenced company submitted the lowest bids for each respective item that met our specifications.

Funds for this expenditure are available in the 2008 Capital budget code: H0817.2008.0817.0230.000.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: NIAGARA GRASS CUTTING

Agenda Item #8

RE: Approval of Bid #23-09 for the clearing of vacant lots

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

TO: Niagara Grass Cutting
2637 Niagara Falls Boulevard
Niagara Falls, NY 14304 .

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. up to 35’ frontage	$ 14.00/lot
2. 36’ to 50’ frontage	14.00/lot
3. 51’ to 100’ frontage	10.00/lot
4. 101’ to 1 acre	10.00/lot
5. over 1 acre	30.00/lot
6. margins and improved property	12.00/man hour

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 Eight (8) vendors. Two bids were received. The above referenced company submitted the lowest bid prices for each respective item.

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

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

Yeas 5
Nays 0

APPROVED

CONTRACT: DAVID GROSS CONTRACTING CO., ROYAL AVE FIREHALL SEWER SERVICE

Agenda Item #9

RE: Approval of Letter of Award for Royal Avenue Firehall Sewer Service Improvements with David Gross Contracting, Co. at a base bid of $26,577.75

The following was the result of bids received on May 11, 2009, for the above referenced project:

CONTRACTOR	BASE BID	ALT. 1
David Gross Contracting Co. 2104 Niagara Street Niagara Falls, NY 14303	$ 26,577.75	$ +8,635.75
Ackerman Plumbing	$ 29,075.25	$ - 981.00
Mark Cerrone Inc.	$ 36,763.00	$ +5,763.50
Armand Cerrone Inc.	$ 38,812.00	$ -1,120.00
C&C Contracting Co.	$ 49,025.00	$ + 760.00

It is the recommendation of the undersigned that this project be awarded to David Gross Contracting Co. at its Base Bid of $26,577.75 with no alternate selected, resulting in a total award of $26,577.75. Funding is available through a separate agenda item.

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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: HARD ROCK CAFÉ & CONSULATE GENERAL OF CANADA; CONCERT

Agenda Item #10

RE: Approval of agreement with Hard Rock Café and Consulate General of Canada for a concert to be held on June 13, 2009 in the amount of $12,000.00

As part of the festivities marking the 100th Anniversary of the Boundary Waters Treaty the City is planning to co-promote the concert on June 13th with the Hard Rock Café and the Consulate General of Canada.

The City would provide permitting, security barriers, traffic control and security/EMT, personnel, garbage pickup and portable restrooms needed for the concert together with the supporting artist's fees.

$12,000 from the Tourism fund is being budgeted for this concert.

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

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

Yeas 5
Nays 0

APPROVED

CITY CONTROLLER'S OFFICE; POSITION RECLASSIFICATIONS

Agenda Item #11

RE: Approval of reclassifications of positions in the Controller's Office

In anticipation of the retirement of the Senior Auditor an Auditor position was upgraded to assume most of the duties performed by the Senior Auditor. However, because the Auditor will not be assuming all of the duties, some of the work will be given to other members of the Controller's Department. To allow for the reassignment of this work, the Controller requested the upgrade of two (2) Junior Account Clerk positions, one in the Finance Division and one in the Billing and Collection Division to Account Clerk in order to accurately reflect the higher level of duties they will be asked to perform. The Civil Service Commission approved this reclassification at its April 2nd meeting and funding is available in the Controller's bi-weekly payroll lines.

Will the Council approve the abolishment of two Junior Account Clerk positions and the creation of two Account Clerk positions as set forth above, effective April 6, 2009?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: PATCH MANAGEMENT

Agenda Item #12

RE: Approval of proposal for Patch Management for use of pothole Killer trucks and appropriation of $91,250 from casino revenue

Attached(on file in the City Clerk's Office) is a proposal from Patch Management containing various options for the use of Pothole Killer trucks by the City for a period of one month. It is recommended that the City use option #2 where two trucks would be run by Patch Management and one truck run by the City and with materials included at the price of $91, 250. It is recommended that Casino Revenue be used to fund this.

Will the Council vote to appropriate $91,250 of Casino revenue for this project and authorize the Mayor to execute the Agreement on behalf of the City?

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

Yeas 5
Nays 0

APPROVED

Council Member Anderson suggested doing a survey of residents before additional funds are spent on the Pothole Killer; Chairman Robins questioned pothole killer effectiveness.

ROYAL AVENUE FIREHALL; SEWER REPAIRS

Agenda Item #13

RE: Approval of appropriation of casino funds in the amount of $26,577.75 for repairs to the sewer at Royal Avenue Firehall

For a number of years there has been a problem with the sewer at the Royal Avenue Fire Hall which causes a backup into the hall during periods of extremely heavy rain.

Elsewhere on your agenda is the results of a bid to repair this problem and it is requested that the Council appropriate $26,577.75 of Casino revenue to fund this project.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: NFTA FOR TROLLEY SERVICE

Agenda Item #14

RE: Approval of agreement with NFTA for trolley service in the amount of $241,722

Attached(on file in the City Clerk's Office) is a proposed agreement between the NFTA and the City to provide the tourist trolley service for the 2009 season. Weekend service will be provided from May 15th to June 21st and from October 9th to October 12th, and daily service between June 22nd and October 4th. The cost for the operation will be $241,722 and the funds are available in the dedicated portion of the Occupancy Tax.

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

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

Yeas	5
Nays	0
	APPROVED

STREET REBUILDING & ICE PAVILION METERING

Agenda Item #15

RE: Approval of funding in the approximate amount of $4.5M for road rebuilding and related projects and the Ice pavilion metering

After consulting with the City Controller and the Engineering Department it is recommended that the City continue with three highway reconstruction projects that are more in depth than the mill and overlay work that can be performed by City crews and to fund these by the issuance of bonds.

The first project is Pine Avenue between Hyde Park and Walnut the second is the local share of the Federal Highway eligible reconstruction of 10th street and the third project is the rebuild of 72nd Street from Buffalo Avenue to Stevenson Avenue.

The funding for these three projects will come from the issuance of City Bonds in the approximate amount of $3,000,000.

The Controller advises that this can be done and remain within the financial plans that the City has projected for Capital issues. It is not recommended that the balance of 72nd Street be done this year due to the necessity of issuing a significant amount of additional bonding.

As each of these projects is bid over the next few months Bond Resolutions will be presented for Council approval to approve the funding.

In order to continue the milling and overlay program approximately $1,022,800 in funding is requested. The source of this these funds is from 2008 Casino revenue.

In order for miscellaneous projects to be commenced, it is requested that additional funds be approved as follows:

Approximately $120,000 for zipper materials for the zipper machine

Approximately $45,000 for side walk repairs

Approximately $100,000 for separate metering for the Ice Pavilion

Approximately $65,000 for improvements to the Highland Avenue Bridge.

The funding requested for these miscellaneous projects totals approximately $330,000. The source of this funding is special projects fund balance.

Will the Council approve this plan and designate the funds?

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

Yeas	5
Nays	0
	APPROVED

Chairman Robins explained use of the funding and streets to be fixed.

SOUTH JUNIOR PLAYGROUND PARCEL

Agenda Item #16

RE: Approval of South Junior School District Parcel Playground

At your April 20, 2009 meeting, an item on this matter was presented to you and no action was taken thereon due to a lack of three votes either for or against.

Since that time, there has been additional public input and comment and further review of the site layout.

There has also been a presentation to the Planning Board regarding the playground, and it should be noted that the Community Development funds that were used for the equipment for this playground are for new equipment and not to be used for renovating existing playgrounds.

It is still the recommendation of the Administration that the City enter into an agreement with the School District that would allow the City to use the portion of the South Junior parcel near the intersection of Portage and Ferry for the playground until such time as the School District has a District use for the parcel or it is sold by the District. The agreement would also allow the City to construct a curb cut to access the parking already on the premises from Portage Road. This will facilitate access to the parking lot by users of the recreation area.

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

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

Yeas	3
Anderson, Fournier, Walker	
Nays	0
Abstained	2
Fruscione, Robins	

APPROVED

Council Member Anderson said that the Council is working together as a team for the children.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

The following item was RECEIVED AND FILED

Agenda Item #17

RE: Notice of Mayor’s approval of Resolutions 2009-35, 2009-36 and 2009-37

COMMISSION OF DEEDS; APPOINTMENTS

Agenda Item #18

RE: Approval of commissioner of deeds Appointments for a term from July 1, 2009 to June 30, 2011

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2009 to June 30, 2011.

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

Davis, Mary C.	Billing & Collection Office
Cristiano, Rosalia	City Controller's Office
Longo, Muriel	City Court
Gemuend, Victoria	Engineering
Ciccarelli, Patrick	Inspections
DalPorto, Bryan	NFPD
Reynolds, James	NFPD
Stack, Patrick	NFPD
Thomson, William	NFPD
Trane, Michael	NFPD
Allen, Catherine A.	175-68th St.,Niagara Falls, NY 14304
Augustino-Rafferty, Linda S.	7995 Crestview Dr., Niagara Falls, N.Y. 14304
Donato, Florence	720-10th St., Apt. 708, Niagara Falls, NY 14301
Friend, Kenneth R.	616-73rd Street, Niagara Falls, NY 14304
Glasgow, Sally	191 Sabre Park, Niagara Falls, NY 14304
Gonzalez, Barbara E.	2412 North Ave., Niagara Falls, NY 14305
Janese, Kristin	8727 Point Ave., Fl. 1, Niagara Falls, N.Y.14304
Janese , Ted W., III	8825 Point Ave, Niagara Falls, N.Y. 14304
Janese, Theodore W., Jr.	9331 Buffalo Ave, Niagara Falls, NY 14304
Joyce, Cindy-Lou	2744 Thornwoods Drive, Niagara Falls, NY 14304
Kimble, Renae	3302 Hyde Park Blvd., Niagara Falls, N.Y. 14305
LaMarca, Jennifer	P.O. Box 2905, Niagara Falls, N.Y. 14302
Lewis, Michael F.	800 Maple Ave., Niagara Falls, NY 14305
Morreale, Marilyn	3404 Walnut Ave., Niagara Falls, NY 14301
Pucci, Frederick	2991 McKoon Ave., Niagara Falls, NY 14305
Rafferty, Timothy J.	7995 Crestview Drive, Niagara Falls, N.Y. 14304
Steinman, Kathleen L.	2242 Grand Ave., Niagara Falls, NY 14301
Thomason, Candra C.	2470 LaSalle Ave., Niagara Falls, NY 14301
Thomason, Richard E.	2470 LaSalle Ave., Niagara Falls, NY 14301
Wark, Donna	3066 Orleans Ave., Niagara Falls, NY 14303

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

Yeas	5
Nays	0

APPROVED

RESOLUTION: MENTAL HEALTH AWARENESS MONTH, 2009-41

Agenda Item #19
Relative to Mental Health Awareness Month
BY: All Council Members

WHEREAS, Family Support Systems, like S.M.I.L.E. (Support Me in Life's Endeavors) is a Family Support for families or guardians whose youth have social behaviors or mental health issues. Children also have an opportunity to meet positive friends in their own age group through S.M.I.L.E. and Compeer outings; and

WHEREAS, there is a need to recognize and to increase public awareness of human development in our towns, cities and states; and to change the face of stigmas related to such issues forever. Giving others a chance of being free from rumors and a chance of a normal-functioning life style is their goal; and

WHEREAS, the youth in mental health challenges are at great risk of falling through the cracks of the system if not treated at an early stage of development. This can end up costing taxpayers more money as the children become adults with hospitalization and possibly jail; and

WHEREAS, the Honorable Paul A. Dyster, Mayor of the City of Niagara Falls, New York has proclaimed the month of May "Mental Health Awareness Month" in the hope that all possible support will continue to be extended to Mental Health issues especially for the youth in our country.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York recognizes the importance of Mental Health Awareness. Most persons with mental health issues deserve access to services which support the family in every way possible.

BE IT FURTHER RESOLVED that the Niagara Falls City Council asks the citizens of Niagara Falls, New York to join them to increase the acceptance of individuals with mental health impairments so they can lead healthy and happy productive lives and to end the stigma associated with this disease.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: FEMA'S PROPOSED FLOODPLAIN MAPS, 2009-42

Agenda Item #20
Relative to opposition to Fema's proposed new floodplain maps
BY: Council Member Sam Fruscione

WHEREAS, the Federal Emergency Management Agency ("FEMA") introduced proposed maps that added properties to flood hazard areas throughout Niagara County, including the City of Niagara Falls; and

WHEREAS, FEMA has added numerous homes in Niagara Falls to their flood plain calculations. Most of those properties are in the greater LaSalle area; and

WHEREAS, much of FEMA's flood calculations seem to be hit and miss and will cost the average homeowner included in the flood zone an additional $1,000 per year for flood insurance; and

WHEREAS, United States Senator Charles Schumer took up the cause of homeowners unnecessarily being placed on the FEMA flood maps two years ago. Senator Schumer has cited the expensive flood insurance as an economic hardship when it is not needed or is capriciously demanded by FEMA.

NOW THEREFORE BE IT RESOLED, that the City Council of the City of Niagara Falls supports Senator Schumer's congressional investigation to rescind the unfair decisions of FEMA and the unfair practices used to create the new floodplain maps; and also supports the efforts of all levels of government to correct the injustice of FEMA's new floodplain maps; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, NYS Senator Antoine Thompson, NYS Assemblywoman Francine DelMonte and the Office of the Niagara County Legislature.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: WOMEN OF DISTINCTION 2009 INAUGURAL AWARDS, 2009-43

Agenda Item #21

Relative to the women of distinction 2009 Inaugural Awards

BY: All Council Members

WHEREAS, on May 21, 2009, the Niagara Gazette, Niagara University and Mt. St. Mary's Hospital will celebrate their 2009 Women of Distinction Awards Ceremony for women who make significant contributions to their communities.

Honorees will be:

Carol Howard-Dietz	**Christine O'Hara**
Niagara United Way	Niagara University
Mary Ann Roland	**Yvonne Davis**
Community Activist	Community Activist
Maria Brown	**Norma Higgs**
City of Niagara Falls	Niagara Falls
Controller	Block Club
Annie Fields-Chapman	**Patricia Berggren**
Niagara Falls Housing	Niagara Falls
Authority	Memorial Hospital
Judith Maness	**Deanna Alterio-Brennan**
Mt. St. Mary's Hospital	Niagara USA Chamber
Kathy Kudela	**Meg Pietras**
NACC	NFHS Family Resource Center

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the 2009 Women of Distinction Awards.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: LASALLE EDUCATIONAL CLUB, 40TH ANNIVERSARY, 2009-44

Agenda item #22
Relative to the 40th Anniversary of the LaSalle Educational Club
BY: All Council Members

LASALLE EDUCATIONAL CLUB

BY:
Council Chair Chris Robins
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Sam Fruscione
Council Member Charles Walker

WHEREAS, on Friday, June 12th, 2009, the LaSalle Educational Club will celebrate their 40th year of sponsoring scholarships to Well-Deserving Niagara Falls senior graduates pursuing higher education; and

WHEREAS, as a not for profit organization, the Club strongly believes that "education is the key" for student success and also, survival. Every year for the past 40 years, the Club has awarded scholarships to deserving seniors from Niagara Falls. These scholarships are awarded to help further the education of these deserving seniors; and

WHEREAS, the Club is a group of 7 black women who encourage needy but highly successful students to obtain their full potential through a college education. In the past 40 years, the Club has raised and distributed more than $82,000 to college bound, needy students; and

WHEREAS, the Club continues to donate funds to area churches for Easter baskets, the Negro College Fund and Pre-Thanksgiving dinners for senior citizens. Through generous contributions and support, along with the love and support of the Niagara Falls Board of Education, local parents, educators, business and city representatives, the LaSalle Educational Club has so far awarded over 3,000 scholarships with more than 1200 students, participants and dinner guest speakers.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls to the LaSalle Educational Club in celebrating their 40th Anniversary.

Yeas	5
Nays	0
	ADOPTED

CONTRACT: AMERICAN PAVING & EXCAVATING; HYDE PARK TENNIS COURTS

Agenda Item #23

RE: Approval of agreement with American Paving & Excavating for Hyde Park Tennis Courts resurfacing and repairs at a cost of $108,335.00

The following was the result of bids received on May 12, 2009, for the above referenced project:

CONTRACTOR	BASE BID	ALT. 1
**Niagara Frontier Services 9133 Champlain Avenue Niagara Falls NY 14304	$82,914.00	$12,000.00
American Paving & Excavating	$ 90,935.00	$ 17,400.00
Louis DelPrince & Sons	$ 97,200.00	$ 13,800.00
Armand Cerrone, Inc.	$ 97,500.00	$ 21,420.00
Mark Cerrone, Inc.	$ 109,890.00	$ 13,980.00

**This bidder did not meet the specifications as it did not submit the bid bond in an acceptable form. Therefore, it is the recommendation of the undersigned that this project be awarded to American Paving & Excavating at its Base Bid of $90,935.00 and Alternate 1 of $17, 400.00 resulting in a total award of $108,335.00. Funding is available in code H0821.2008.0821.0449.599.

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 Fruscione 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 Robins adjourned the Meeting at 8:15 p.m.

Carol A. Antonucci
City Clerk

JUNE 1, 2009

REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the June 1, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Charles A. Walker – 4.
Absent: Council Member Samuel Fruscione - 1

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of May 18, 2009.

Yeas	4
Nays	0
	APPROVED

Ron Anderluh of the Niagara Street Business Association gave a Presentation on Gill Creek Park. After giving a brief history on the Park, he spoke on partnerships with various groups to work on improvements in the Park: a grant from the Greenway Commission will fund lighting in the Park, National Grid provided workers to plant trees and work on the flower beds with mulch provided by the City, the Niagara Street Business District provides security and maintenance in the Park, a Nature Walk through the Park will provide children with an educational experience, and he is working with the Water Board to bring water lines into the Park. He suggested that the Park should be re-named Gill Creek International Park to acknowledge the ethnic groups that live in the area, and thanked the City for supporting the Park.

Chairman Robins said that he had asked Mr. Anderluh to come to the next Council Meeting to discuss his concerns about a residence for convicted sex offenders in the neighborhood of Niagara Street School.

For the Administrative Update, City Administrator Donna Owens informed the Council Members that:

1. A celebration will be held on June 17 from 6 – 10 PM in front of the new Municipal Complex.
2. The In-House CHIPS Paving Program has begun, and the Pothole Killer started work in the City today. The street maps used for snow plowing are also being used to track street repairs, and a pothole repair map will be put on the City's website. Binder has been put on 80th Street in the area of the new Wal-Mart, and the Benderson Company will finance topping off the street.
3. City Engineer Ali Marzban reported that a pre-bid meeting for the Lewiston Road Project will be held on June 9, with bid opening scheduled for June 16.
4. Furniture is being moved into the United Office Building and the finishing work is being completed, for a June opening date.
5. Progress at the Hotel Niagara is slower than planned due to the economic climate, but work is continuing.
6. Economic Development staff spoke with John Percy of the NTCC, and construction will start on their new building within 30 days.
7. Construction is progressing on the West Mall, with a completion date at the end of July.
8. Demolition of the Wintergarden has started, with a completion date of late summer.

Council Member Anderson asked about the City's health insurance provider, and Human Resources Director Joyce Mardon-Serianni responded that the City is now self-insured, and a letter did go out to inform employees of this, and any questions should be directed to the Human Resources Department.

Council Member Walker asked if the City was talking with property owners in the area of the Municipal Building about fixing up their buildings, and City Administrator Owens informed him that she, the Mayor and the Economic Development Team had met to discuss the issue last week. Business Development Director Fran Iusi added that she had spoken to the Main Street Business Association members to give details of assistance programs from the City to keep the area safe and clean.

Council Member Anderson asked Civil Engineer Robert Buzzelli about the status of Stephenson Avenue Park, and Mr. Buzzelli said that City Engineer Marzban had the estimates to review, and the Park should be ready for use by the summer if funding is available. Council Member Anderson also commended Director of Public Works David Kinney for the good job that DPW employee are doing, and he also noted the good work of a female worker for the contractor who was doing the forestry work.

Mayor Paul Dyster informed the Council Members that he had signed the contract for the Hope VI Project remediation work, and was working on the Summer Concert Series with the Hard Rock Café. He said that additional funding may need Council approval if a 3rd concert can be scheduled. He also spoke on the Wintergarden demolition progress and talks with Cordish on repairs to the outside wall of the Rainbow Center.

The Mayor also noted three upcoming celebrations in the City: the Municipal Complex opening, the Boundary Waters
Treaty celebration, and the Citybration held jointly with Buffalo to encourage homecoming back to the area.

Corporation Counsel Craig Johnson distributed copies of a communication relative to approval for an awning and encroachment at 1711 Main Street.

Council Member Walker 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 #12.

Chairman Robins noted that the settlement with the Greater Niagara Sports Group (Agenda Item #6) was long overdue and a great opportunity for the City of make use of the property. Mayor Dyster added that he will hold a Task Force meeting for planning uses for the property, the City is working with the New York Power Authority for an energy audit for the building, and thanked Corporation Counsel Craig Johnson for his work on this issue.

Council Member Walker asked about the agreement with the former tenant of the Greens Restaurant (Agenda Item #7) and Mr. Kinney answered that the City can make good use of the property.

Chairman Robins commended the Police Athletic League for the work they do with the youth in the City (Agenda Item #8).

At 4:55 PM, Council Member Walker moved for an Executive Session to discuss a personnel matter and possible litigation, and his motion was unanimously approved. At 5:20 PM, Council Member Anderson moved to end the Executive Session, and his motion was unanimously approved.

This Session ended at 5:20 PM

Chairman Robins reconvened the Meeting at 7:05 p.m. in the Council Chambers with Council Members Robins, Anderson, Fruscione and Walker present. Council Member Fournier was absent. The prayer was said by Council Member Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Robins announced a Special Order of Business, a Joint Public Hearing with the Planning Board relative to the Comprehensive Plan & Zoning Ordinances. Roll Call of the Planning Board members was taken with Ms. Donavan, Mr. Faba, Mr. Grozio, Mr. Lewis, Mr. Palmer, Mr. Ubriaco and Mr. Smith present. Mr. D'Aloise and Mr. Polka were absent. The following spoke:

Paul Gromosiak	no need for more tall Buildings
Charles Knoll	Tiered approach
Gay Molnar	Support of plan
Ron Anderluh	In favor of plan
Beverly Fait-Albert	In favor of plan
Adam Walters, Phillips Lytle	Letter of support of plan from client

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

Nicholas A. D'Agostino	Agenda Items #4 & #8
Robert J. Miller	Agenda Item #1, street repairs in Echota District
Gloria J. Dolson	Support LaSalle Education Club; police issues, taser use
Leonard Lapp	Water Board lack of response to flooding disaster
Ron Anderluh	Gill Creek Park Partnerships
Nicholas A. D'Agostino	Unity in City of all groups
Candace Corsaro	NorLock Park opening 6/6/09 12:00 noon
Vince Sandonato	Pothole Killer efficiency
Yvonne Taylor	Pothole Killer efficiency
Abdul Richardson	Taser gun use; clean up City
Chris Kudela	56th Street flood
Marlene Maikranz	56th Street flood
Tim Russ	56th Street flood
George Baldon	Taser gun use; police officers
Charles Knoll	Buffalo Avenue conditions
Helen Smith	Taser use

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

AMERICAN RECOVERY & REINVESTMENT FUNDS

Agenda Item #1

RE: Approval of CDBG-R Substantial Amendment to the 2008 Consolidated Plan for $678,361 in American Recovery & Reinvestment Funds

The City of Niagara Falls has been awarded $678,361 in American Recovery and Reinvestment Act Funds, identified by HUD as CDBG-R funding. The City is required to submit a Substantial Amendment to the 2008 Consolidated Plan indicating the proposed use of the CDBG-R funding and certifications that we are in compliance with our Citizen Participation Plan and other federal requirements. The primary purpose of the funding is to stimulate the economy through measures that modernize infrastructure, improve energy efficiency, and expand education and health care. Selected projects should be "shovel ready" as we are required to enter into construction contracts within 120 days of HUD funding approval. Based on the foregoing, we are recommending that CDBG-R funding be dedicated to milling and resurfacing of City streets in CD low/mod income target areas of the City as detailed on the attached spreadsheet.

To meet the citizen participation requirements, the Department of Community Development held a public hearing on the proposed use of CDBG-R funding on May 14, 2009. We also complied with the required 7-day post hearing comment period to receive additional comments. The only comment received dealt with a correction in the description of streets to be paved. C Street was incorrectly identified and has been changed to D Street.

Will Council vote to so approve and authorize the Mayor to submit the CDBG-R Substantial Amendment and to sign the required application for funding and program certifications?

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

Yeas 4

Anderson, Fruscione, Walker, Robins

Nays 0

APPROVED

CONTRACT: PARISE MECHANICAL, INC.;AIR CONDITIONING/HUMIDIFIER UNITS

Agenda Item #2

RE: Approval of Bid #26-09 for 2 air conditioning/Humidifier units from Parise Mechanical, Inc. for a total of $27,589.00

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

TO: Parise Mechanical, Inc.
1106 Sheridan Drive
Tonawanda, NY 14150

FOR: Two (2) air conditioning/humidity control units
for the MIS Department's computer room: $27,589.00

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 ten (10). Two (2) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Greater Niagara Mechanical, Inc. ($31,890.00) and H.W. Bryk and Sons, Inc. ($32,475.00).

Funds for this expenditure are available in Budget code: A1620.2300.0250.000.

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

Yeas 4

Anderson, Fruscione, Walker, Robins

Nays 0

APPROVED

CONTROLLERS: POSITION CHANGES

Agenda Item #3

RE: Approval to eliminate Auditor position and create Auditor I position in the Finance Department.

As part of the reassignment of job duties due to the upcoming retirement of an Auditor it is requested that the Council create an Auditor I position and to abolish the current Auditor position.

Part of the savings from this change is being used for the upgrades from Junior Account Clerk to Account Clerk positions that were previously approved by Council.

Will the Council so approve?

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

Yeas 4

Anderson, Fruscione, Walker, Robins

Nays 0

APPROVED

BOYS AND GIRLS CLUB: BOOK OF RECIPES

Agenda Item #4

RE: Approval to fund $4,000.00 from the Tourism Budget to the Boys and Girls Club towards preparation of a tourism related recipe book

The Niagara Falls Boys and Girls Club have requested that the City contribute money toward the cost of preparation of a tourism related book of recipes unique to the Niagara Falls area and its residents. This tourism related book will be called a "Stir in the Mist" and will be widely marketed, thus promoting Niagara Falls, NY. Funding for this contribution in the amount of $4,000 is available from tourism fund balance.

Will the Council so approve?

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

Yeas 4

Anderson, Fruscione, Walker, Robins

Nays 0

APPROVED

PARKS: CREATION OF TEMPORARY CREW LEADER IN SMALL PARKS

Agenda Item #5

RE: Approval to create Temporary Crew Leader Position in the small parks

It is requested that a temporary crew leader position be created so that the second shift will be supervised during the height of the season.

The position will be filled from May 17 to October 2 covering holiday weekends. It is crucial to have this position placed to properly supervise employees who plan to schedule in the evenings and weekends in outlining parks in the downtown area. The estimated cost will be $1,100 which includes benefits and funding would be transferred from the overtime account A7110.3460.0140.0000.

Will the Council so approve?

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

Yeas 4

Anderson, Fruscione, Walker, Robins

Nays 0

APPROVED

CONTRACT: GREATER NIAGARA SPORTS GROUP, INC.

Agenda Item #6

RE: Approval of partial settlement with Greater Niagara Sports Group, Inc. to reclaim property previously holding golf dome

As you are aware, members of the City Law Department have been attempting to recover certain premises at Hyde Park which previously supported the golf dome.

A partial settlement has been reached with Greater Niagara Sports Group, Inc. to allow the City to reclaim the real property and allow the City to redevelop same. As part of this agreement, either party may pursue contractual claims against the other. This agreement will not require any further expenditures on the part of the City of Niagara Falls.

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

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

Yeas 4

Anderson, Fruscione, Walker, Robins

Nays 0

APPROVED

CONTRACT: CAZU, INC.: GREENS RESTAURANT

Agenda Item #7

RE: Approval of agreement with Cazu, Inc. regarding Greens Restaurant

The tenant in the above referenced premises has been declared by the City to be in default of its agreement with the City dated July 15, 2005, as amended (the "Agreement"). The tenant is alleged to owe approximately $12,499.96 in back rent. Additionally, Cazu, Inc. had incurred an obligation in the amount $6,000 which was in the form of a grant from the City to Cazu, Inc. evidenced by a promissory note dated March 17, 2006. After negotiations among all parties, the tenant has offered to give to the City a nearly new awning for the restaurant building which has been inspected by City officials and determined to be in excellent condition, together with a hot dog stand which has also been inspected by City officials and determined to be in good condition. Both of these items, combined, approximate the amount due the City. The principals of Cazu have agreed, in addition to giving the City the awning and hotdog stand, to repay the City the sum of $1,800 with interest over the course of 18 months in an amount of $102.39 per month. This settlement is in the best of the City as the City has an immediate need for the awning and hotdog stand, and it alleviates the need to litigate this matter and attempt to collect the monies from the parties. Further, Cazu, Inc. may have certain legal defenses against the City which could delay the resolution of this matter for one year or more. Accordingly, it is requested that the Mayor sign the attached(on file in City Clerk's Office) settlement agreement.

Will the Council so approve?

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

Yeas 4

Anderson, Fruscione, Walker, Robins

Nays 0

APPROVED

POLICE ATHLETIC LEAGUE, FUNDING

Agenda Item #8
RE: Approval to fund $10,000.00 to the Police Athletic League for its various youth programs
The Niagara Police Athletic League has requested that the City contribute dollars to help sponsor its programs benefiting the youth of Niagara Falls. These programs are programs that have been run in the community for many years and have wide participation. Funding for this contribution is available through casino interest dollars.
Will the Council authorize the contribution of $10,000 to the Police Athletic League to help fund its programs?
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Anderson, Fruscione, Walker, Robins
Nays 0
APPROVED

LITIGATION SETTLEMENT: RAINBOW SQUARE, LTD.

Agenda Item #9
RE: Approval of settlement agreement with Rainbow Square, Ltd. Relating to Rainbow Mall
As you may recall, the City was sued by Rainbow Square, Ltd. in 2008 over the Rainbow Centre Mall. The Administration and Rainbow have agreed that consultation and cooperation will yield more benefits than contentious litigation.
Accordingly, presented herewith to the City Council is a settlement agreement(on file in City Clerk's Office) under which the litigation will be discontinued. The settlement agreement does not require the payment of any money and does not create new obligations. The agreement wipes clean any past allegations of violation, and sets the stage for what we hope to be cooperation well into the future.
Will the Council vote to approve the settlement agreement 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 4
Anderson, Fruscione, Walker, Robins
Nays 0
APPROVED

RESOLUTION: PLAY AREA IN THE COMMUNITY, 2009-45

Agenda Item #10
Relative to the importance of play areas in the community
BY: All Council Members
WHEREAS, "play" is instrumental in the development of children; and
WHEREAS, playgrounds and play areas are needed in a community in order for the children to thrive. Many communities are lacking with regards to available playground areas that are within walking distance for neighborhood children; and
WHEREAS, there is a national trend in which we are seeing children spending less time and fewer recreational hours in traditional unstructured outdoor play. There is an added national trend of childhood obesity which will, if not addressed, result in serious health consequences for tomorrow's young adults; and
WHEREAS, children that play, recreate and engage in physical activity have been proven to perform at a higher level not only physically but also perform better emotionally in school related studies; and
WHEREAS, **the Honorable Paul A. Dyster, Mayor of the City of Niagara Falls, New York** has proclaimed Friday, July 10th, 2009 to be **"Play Day"** in the City of Niagara Falls.
Yeas 4
Anderson, Fruscione, Walker, Robins
Nays 0
ADOPTED

RESOLUTION: WINE SALES, 2009-46

Agenda Item #11

Relative to opposition to new proposal allowing wine sales in supermarkets

BY: Council Member Steve Fournier
Council Member Sam Fruscione

WHEREAS, a new proposal to sell wine in New York supermarkets has surfaced in Albany after liquor store interests helped kill an earlier bill; and

WHEREAS, Assemblyman Joseph Morelle of Monroe County has included measures in a new proposal aimed at grocery store chains that want to legalize wine sales in their stores;

WHEREAS, liquor store owners fear the measure would drive out one of the states last vestiges of mom-and-pop retail. This proposal must be stopped because it will cost New York thousands of jobs and contribute to a significant increase in underage drinking; and

WHEREAS, over 1,000 small businesses – wine sellers, liquor stores, wineries and others – will be forced to close. This translates into a loss of over 4,000 jobs. New York already leads the U.S. in job losses and this could reach the hundreds of thousands over the next two years; and

WHEREAS, Small business retailers have indicated that 65-80% of their overall sales are devoted to wine – putting their store's livelihood and employees' jobs at great risk; and

WHEREAS, New York has independently owned licensees, legally responsible for preventing youth from purchasing alcohol. This law would undermine current regulations and controls put in place to protect the pubic and minors. Law enforcement agencies oppose this proposal because it will lead to an increase in underage drinking, drunk driving accidents and fatalities. Parent and student groups like Students Against Destructive Decisions (SADD) fear an increase in underage drinking; and

WHEREAS, the State Liquor Authority's ability to police rowdy bars and stop illegal alcohol sales will be overwhelmed by the dramatic increase in outlets selling wine; and

WHEREAS, it is unimaginable why the State of New York would support putting thousands more New Yorkers out of work and at the same time create an environment that would increase alcohol fatalities.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, does not support the new proposal by Assemblyman Joseph Morelle to re-address the issue of allowing wine to be sold in supermarkets and urges the Assembly and the Senate to stop this proposal and keep New York's small businesses, jobs and teenagers out of harm's way; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to NYS Governor David Paterson, NYS Assemblywoman Francine DelMonte, NYS Senators Antoine Thompson and George Maziarz, Assemblyman Joseph Morelle and NYS Budget Director Laura L. Anglin.

Yeas 4

Anderson, Fruscione, Walker, Robins

Nays 0

ADOPTED

SIGN ENCROACHMENT: 1711 MAIN STREET

Agenda Item #12

RE: Approval of awning and marquee sign encroachment at 1711 Main Street

The City has received a request from the owner of the property at 1711 Main Street to install awnings and a marquee sign that would encroach into the City's Main Street right-of-way.

This has been reviewed by the appropriate City Departments and the Planning Board, which recommend approval subject to the compliance with plans submitted to the Inspections Department and any building codes and the agreement of the property owner to defend and indemnify the City from any and all liability from the granting of this permit and the owner adding the City of Niagara Falls as an additional insured on it's commercial liability policy in a amount acceptable to the Corporation Counsel. The encroachment is subject to revocation by the City on a six month written notice.

Will the Council so approve?

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

Yeas 4

Anderson, Fruscione, Walker, Robins

Nays 0

APPROVED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 8:25 p.m.

Carol A. Antonucci
City Clerk

JUNE 15, 2009

REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the June 15, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:06 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Walker moved to approve the Minutes from the City Council Meeting of June 1, 2009.

Yeas	5
Nays	0
	APPROVED

Laura Landers of Freed, Maxick & Battaglia, gave an end of year audit report on the City's financials. She noted that the City ended 2008 with a $4M surplus, which makes the fund balance in line with the Council's directive. When she spoke on the issue of the Central Garage audit, Public Works Director David Kinney said that quarterly reports will be given, starting this month. Ms. Landers complimented City Controller Maria Brown and her staff for their cooperation in preparing the report.

Ron Anderluh and Sharon Szwedo of the Niagara Street Business Association spoke on housing for sex offenders in the area of Niagara Street School. Andrea Colao of Assemblywoman Francine DelMonte's Office gave background information on a sex offender who was recently sent to live in this area, and Chairman Robins asked that the Council be kept informed on the situation. Director of Inspections Guy Bax spoke on a Stop Work Order and issuance of permits for work at a boarding house for sex offenders on Niagara Street, and Chairman Robins asked the Fire Chief to check on the number of residents living in the house.

Council Member Fruscione questioned Mayor Paul Dyster on the condition of the Tenth Street Fire Hall, and the Mayor responded that the Administration was working with the Fire Chief to determine the future needs of the Department and the feasibility of investing in repairs to the building. Also, the Fire Chief is working on a Federal grant application, and working with the New York Power Authority on an energy audit of the Fire Department facilities, as well as other City buildings.

In the Administrative Update, City Administrator Donna Owens reported that:

1. The celebration for the opening of the Municipal Court House will be held for the public on June 17 from 5 – 10 PM.
2. Street paving with CHIPS funding has been completed, and work using other sources of funding will be started. Chairman Robins asked that the Council be kept informed of progress.
3. City Engineer Ali Marzban said that bids for the Lewiston Road Project will be opened on June 19, and the Council will vote to approve the chosen contractor at the June 29 Meeting.

4. Community Development Project Administrator Robert Antonucci spoke on financial assistance given by his Department to those affected by the water main break on 56th Street. In response to Council Member Anderson's concerns, Mayor Dyster said that State and Federal officials were contacted about possible sources of funding to help these residents.

5. The Administration is working with agents of Greater Niagara Sports on uses for the Golf Dome property.

6. Mr. Marzban reported that the City's consultant is working on a study and design for the Hyde Park Ice Pavilion, and separate utility meters for the facility. Chairman Robins asked that the Council be kept updated.

7. The developer for the Hotel Niagara is still committed to the Project, but Mr. Bax reported that work has stopped due to non-payment to contractors.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of a communication relative to acceptance of a State Grant for sidewalk replacements on 81st and 82nd Streets to be added to the Agenda.

Council Member Fruscione 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 #20.

Chairman Robins asked Mayor Dyster why the Administrator of Niagara Falls Memorial Medical Center was not aware of the City's participation in a task force to work on community health related issues aimed at the preservation of the Hospital (Agenda Item #12). The Mayor responded that it was the City's intention to help in restructuring community health care and insure the Hospital's place in the City.

This Session ended at 5:25 PM.

Chairman Robins reconvened the Meeting at 7:02 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier 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 #16 & #17
Helen Smith	Agenda Item #12
Shelley Hirshberg	Agenda Item #12
Gerald Skrlin	Property conditions & Lavinia Porter Manse
Ken Hamilton	Highland Avenue conditions; CSX issues; Hope VI project; Lockport Street bridge & park safety issues
Vine Mameli	Street conditions; NTCC & Jayne Park

The following were RECEIVED AND FILED:

Agenda Item #1
Claims Report for May, 2009.

Agenda Item #2
City Clerk's report for May, 2009

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: RIVERSIDE CHEMICAL CO. & CHEMICAL DISTRIBUTORS, INC.; CHLORINE & MURIATIC ACID

Agenda Item #3

RE: Approval of Bid #29-09 for chlorine and muriatic acid from Riverside Chemical Co. & Chemical Distributors, Inc.

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

TO: Riverside Chemical Co.
871 River Road
North Tonawanda, NY 14120

FOR: Sodium hypochlorite in bulk deliveries (est. 2,600 gals): $2.67/gal
Sodium hypochlorite in 55 gal. drums (est. 2,200 gals.): 1.98/gal
Hydrochloric (muriatic) acid in140# drums (est. 2,000 lbs): .27/lb

TO: Chemical Distributors, Inc.
80 Metcalfe Street
Buffalo, NY 14206

FOR: Hydrochloric (muriatic) acid in 500# drums (est. 2,100 lbs):$ .24/lb.

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 four (4) vendors. Two (2) bids were received. The above referenced companies submitted the lowest price for each respective item.

Funds for this expenditure are available in the Swimming Pools Maintenance/Repair code: A7146.0200.0419.009.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: PITNEY BOWES; MAIL SYSTEM EQUIPMENT

Agenda Item #4

RE: Approval of lease agreement with Pitney Bowes for mail machine at a cost of $859.00 per month

We respectfully request you authorize the Mayor to sign an agreement as follows:

WITH: Pitney Bowes
27 Waterview Drive
Shelton, CT 06484

FOR: 51 month lease of a Pitney Bowes
DM 1100 mailing system: $859.00/mth $43,809.00

This new equipment is replacing equipment currently leased from Pitney Bowes.

Funds for this expenditure are available in the City Clerk's budget code: A1410.0000.0440.599.

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

Yeas 5
Nays 0
APPROVED

SPECIAL PROJECTS FUNDING; PAVING CITY PARKING LOTS

Agenda Item #5

RE: Approval to transfer $5,000.00 from Special Projects funds to Engineering to allow for grant application for paving of City lots

In order to apply for a grant that will allow for the repaving of several City parking lots using the more environmentally friendly permeable paving method it was necessary to obtain the service of an outside design firm. Due to the short time frame to apply for the grant, the Engineering Department retained this consultant using some of the its budgeted funds.

Because this is an extraordinary expense, that falls within the parameters of the special project funds it is requested that the Council authorize the transfer of $5,000 from the special projects fund to reimburse the Engineering Department for this expense.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: NIAGARA COUNTY MUTUAL SELF-UNSURANCE PLAN

Agenda Item #6

RE: Approval of agreement to pay Niagara County $1,110,004.66 for settlement of Worker's Compensation buy-out

The City, for many years, participated in the Niagara County Mutual Self-Insurance Plan hereinafter ('MUCIP"). By resolution dated July 31, 2001; the City Council adopted a resolution to withdraw from the MUSIP effective September 1, 2001. Effective January 1, 2002 the City became responsible for all workers compensation claims which arose in the City and the City established its own workers compensation self-insurance plan. The City then became responsible for it's workers compensation claims open on or after September 1, 2001. The City has been negotiating with the County since it withdrew from the MUSIP and has now reviewed data obtained independently and from the County and has verified that the City owes Niagara County the Sum of $1,110,004.66 for claims administered through the MUSIP from the City's initial participation in the MUSIP up through and including the time the City elected to withdraw from the MUCIP. The City Controller's office has known about this outstanding obligation since the City withdrew from the MUCIP and has budgeted all but $7,971.64 to reimburse Niagara County. The attached(on file in City Clerk's Office) Agreement memorializes in writing the settlement between the City and Niagara County.

Will the Council authorize $7,971.64 to be paid to the County of Niagara to be funded by the Mayor's contingency expense line account number A.1990.7630.0449.599 together with budgeted dollars in the amount of $1,102,033.02 to be paid to the County of Niagara in order to settle this workers compensation issue?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: HEALTHNOW, ADMINISTRATIVE SERVICES, RETIREE DRUG SUBSIDY

Agenda Item #7

RE: Approval of agreement with HealthNow to provide administrative services relating to drug subsidy for City retirees

In order to continue receiving pursuant to the Medicare Part D prescription drug coverage, the City has previously entered into an Agreement with HealthNow to provide administrative services in relation to the drug subsidy for the City's retirees.

Will the Council approve the continuation of this Agreement for the period starting January 1, 2009 and authorize the Mayor to execute an Agreement in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: HARD ROCK CAFÉ: CONCERT, JULY 11, 2009

Agenda Item #8

RE: Approval of agreement with Hard Rock Café for concert July 11, 2009 at a cost of $40,000.00

As part of the Concert series between the City and the Hard Rock Café the City is planning to co-promote a concert on July 11, 2009. The City would provide permitting, security barriers, traffic control and security/EMT, garbage pickup and portable restrooms in need for the concert together with the artist and production fees.

$40,000 from the Casino Economic Development fund is being appropriated for this concert.

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

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

Yeas	5
Nays	0
	APPROVED

LANDSCAPING, CENTENNIAL CIRCLE & DOWNTOWN MEDIANS

Agenda Item #9

RE: Approval to fund $9,000.00 for additional plantings at centennial Circle and downtown medians

The City Council recently awarded a bid for landscaping services for the downtown streets in the amount of $25,000. The landscape architect is recommending additional plantings in Centennial Circle pursuant to the attached planting design at an additional cost of $5,000. In addition, $4,000 is requested for additional plantings in downtown medians. The Controller has identified the funding source to be "Street-scape" funds.

Will the Council authorize a $5,000 change-order for the Centennial Circle contract and an additional $4,000 for additional planting in downtown medians for a total of $9,000?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT CHANGE ORDER: WENDEL-DUCHSCHERER, ARCHITECTS & ENGINEERS, INC, LEWISTON RD.

Agenda Item #10

RE: Approval of change order to contract with Wendel-Duchscherer, Architects to close out design phase of Lewiston Road project

A contract for the above referenced project was awarded to Wendel-Duchscherer, Architects and Engineers, Inc., 95 John Muir Drive, Suite 100, Amherst, New York on October 9, 2001 in the amount of $1,395,000.00. Funding is currently available in Capital Project Account H0421.2001.0421. Please note that the City is reimbursed for 80 percent of all costs incurred from Federal funds, with an additional 15 percent reimbursement via State Marchiselli funds.

Subsequent to the start of the design process, the project has undergone numerous scope changes, as both the environmental and reconstructive aspects of the design have warranted. As we approach the start of the actual construction phases of this job, and await the additional funding agreements to do so, there are ancillary bookkeeping and fund transfers that are necessary to close out the design phase of this project.

To that end, please allow this ($0.00) Change Order request to facilitate the payment of $20,617.96 in "direct non-salary reimbursables" that this project has amassed to date. Sufficient funds presently exist within other items that have been underspent so that the existing agreement will experience a net $0.00 change leaving the current design total at $1,395,000.00.

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: FOX FENCE, INC.; FENCING AT HYDE PARK BALLFIELDS

Agenda Item #11

RE: Approval of agreement with Fox Fence, Inc. for fence replacement at Hyde Park ballfields at a cost of $65,425.00

The following was the result of bids received on June 9, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
Fox Fence, Inc. 2637 Lockport Road Niagara Falls, NY 14305	$ 65,425.00
New York State Fence, Inc.	$ 70,930.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Fox Fence Inc., at their Base Bid of $65,425.00. Funding is available in Code A.7110.3450.0443.000.

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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

COMMUNITY HEALTH TASK FORCE

Agenda Item #12

RE: Approval to use $21,000.00 in 2007 Casino funds towards participation in community health related task force

The City has been asked to participate in a task force to work on community health related issues which are aimed at the preservation of Niagara Falls Memorial Medical Center and its new community oriented patient care health system. To support this initiative the City has the opportunity to obtain an individual qualified in healthcare administration from the National Urban Fellows Program for a period of 9 months to assist the City in researching community health related issues and focus on urban based patient care. There is an open interview process conducted by the National Urban Fellows Organization and the City of Niagara Falls. The individual will begin work in September of 2009 and work for 9 months thereafter.

This opportunity will give the City the benefit of a person to help in restructuring community healthcare and the system that is in place. The total cost for this individual is $63,000 with the City's share being $21,000. Funding is available through the 2007 Casino funds.

Will the Council so approve?

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

Yeas 4

Anderson, Fournier, Fruscione, Robins

Nays 0

Abstained 1

Walker

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: NFT METRO

Agenda Item #13

RE: Approval to settle and pay claim of NFT Metro in the amount of $4,60.10

Date Claim Filed: March 21, 2007	
Date Action Commenced:	N/A
Date of Occurrence:	February 15, 2007
Location:	Corner of Main Street and Third Street
Nature of Claim:	Vehicle damage sustained in an accident with City vehicle
City Driver:	Police Officer Tarapczynski
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$4,608.10
Make Check Payable to:	NFT Metro
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 Fournier 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

Agenda Item #14

RE: Approval of commissioner of Deeds appointments for a term from July 1, 2009 to June 30, 2011

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2009 to June 30, 2011.

Castillo, Baltazar	9129 Rivershore Dr., Niagara Falls, N.Y. 14304
Castillo, Patricia J.	9129 Rivershore Dr., Niagara Falls, N.Y. 14304
Eugene Ochal	6117 Stephenson Avenue, Niagara Falls, N.Y. 14304

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

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

Yeas 5
Nays 0

APPROVED

RESOLUTION: CALLING FOR PUBLIC HEARING, ABANDONMENT OF ALLEY BETWEEN 8TH STREET AND MAIN ST, 2009-47

Agenda Item #15

Relative to calling for a Public Hearing regarding abandonment of alley between Main Street & 8th Street South of Linwood Avenue

BY: All Council Members

WHEREAS, the adjoining property owner has requested the abandonment of the alley running north/south between Main and 8th Streets, south of Linwood Avenue; and

WHEREAS, the Planning Board has recommended to Council that this request be approved; and

WHEREAS, this Council declares its intention to abandon said alley.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that a public hearing be held relative to the abandonment of the aforementioned alley, said public hearing to be held at a meeting of the Council to be held in the Council Chambers in City Hall on June 29, 2009 at 7:00 p.m. Eastern Daylight Time, and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said alley in the official newspaper once a week for two successive weeks preceding June 29, 2009.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: OPPOSITION TO SEX OFFENDERS FROM OTHER COMMUNITIES, 2009-48

Agenda Item #16

Relative to the opposition of sex offenders from other communities

BY: All Council Members

WHEREAS, a convicted North Tonawanda sex offender was released under supervision last week and sent to live in Niagara Falls; and

WHEREAS, this person was sent to Niagara Falls on the recommendation of the NYS Division of Parole by State Supreme Court; and

WHEREAS, the person will reside on Niagara Street which is a major concern not only to Niagara Street residents, but also the fact that close to 40 Level 2 and 3 registered sex offenders are living within a 1-mile radius of Niagara Street Elementary School; and

WHEREAS, even though the courts found this offender not dangerous, the court found the offender to have a mental abnormality, putting him at risk of repeat offense; and

WHEREAS, the effectiveness of the new release conditions remains to be seen since the new law has only been in effect for two years; and

WHEREAS, even though the offenders will be ordered to remain in their residence between the hours of 9pm and 8am; the daytime is the most vulnerable time for the elementary students in the area.

NOW THEREFORE BE IT RESOLVED, that the **City Council of the City of Niagara Falls**, **New York** absolutely opposes the placing of sex offenders from one community into another, especially so close to an elementary school and asks the court to reconsider.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: ECONOMIC RECOVERY FUNDING; PAVING PINE AVENUE AND 24TH STREET, 2009-49

Agenda Item #17

Relative to Economic recovery Funding for paving of Pine Avenue from Main Street to Hyde Park Blvd. and 24th Street from Pine Avenue to Ontario Avenue

BY: All Council Members

Authorizing the implementation and funding in the first instance 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid Project, to fully fund the local share of Federal-Aid eligible and ineligible project costs, and appropriating funds therefore.

WHEREAS, The Economic Recovery Project for the Pavement Resurfacing, Mill and Overlay, of Pine Avenue (US Route 62A) from Main Street to Hyde Park Boulevard and 24th Street from Pine Avenue to Ontario Avenue, in the City of Niagara Falls, Niagara County , PIN 5759.23 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds; and

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVED, that the City Council of the City of Niagara Falls hereby approves the above-subject project PIN 5759.23; and it is hereby further

RESOLVED, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share (if any) of the costs of the Construction & Construction Inspection phase of the project or portions thereof with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Project Agreement; and it is hereby further.

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction & Construction Inspection phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of $ 313,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds the amount appropriated above, $ 313,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds $1,204,000, the project's current Total Cost, the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls (subject to the City of Niagara Falls Attorney's approval as to Form and Content) with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Project Agreement and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution is filed with the New York State Commissioner of Transportation by attaching it to any necessary State/Local Project Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: ECONOMIC RECOVERY FUNDING; PAVING PACKARD RD., 56TH STREET, LINDBERGH AVENUE & HIGHLAND AVENUE, 2009-50

Agenda Item #18

Relative to Economic Recovery Funding for paving of Packard Road, 56th Street, Lindbergh Avenue and Highland Avenue

BY: All Council Members

Authorizing the implementation and funding in the first instance 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid Project, to fully fund the local share of Federal-Aid eligible and ineligible project costs, and appropriating funds therefore.

WHEREAS, The Economic Recovery Project for the Pavement Resurfacing, Mill and Overlay, of Packard Road from Niagara Falls Boulevard to the CSX Railroad Bridge (BIN 2263830), 56th Street from Buffalo Avenue to Stephenson Avenue, Lindbergh Avenue from 77th Street to Cayuga Drive and Highland Avenue from Garden Avenue to Profit Lane, in the City of Niagara Falls, Niagara County , PIN 5759.22 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds; and

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVED, that the City Council of the hereby approves the above-subject project PIN 5759.22; and it is hereby further

RESOLVED, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share (if any) of the costs of the Construction & Construction Inspection phase of the project or portions thereof with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Project Agreement; and it is hereby further.

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction & Construction Inspection phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of $ 192,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds the amount appropriated above, $ 192,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds $1,204,000, the project's current Total Cost, the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls (subject to the City of Niagara Falls Attorney's approval as to Form and Content) with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Project Agreement and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution is filed with the New York State Commissioner of Transportation by attaching it to any necessary State/Local Project Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: ECONOMIC RECOVERY FUNDING; PAVING MAIN STREET, ONTARIO AVENUE AND 11TH STREET, 2009-51

Agenda Item #19

Relative to Economic recovery Funding for paving of Main Street, Ontario Avenue and 11th Street

BY: All Council Members

Authorizing the implementation and funding in the first instance 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid Project, to fully fund the local share of Federal-Aid eligible and ineligible project costs, and appropriating funds therefore.

WHEREAS, The Economic Recovery Project for the Pavement Resurfacing, Mill and Overlay, of Main Street (NY Route 104) from Walnut Avenue to Ontario Avenue, Ontario Avenue from Lockport Street to Hyde Park Boulevard and 11th Street from Lockport Street to Ontario Avenue, in the City of Niagara Falls, Niagara County , PIN 5759.21 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds; and

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVED, that the City Council of the City of Niagara Falls hereby approves the above-subject project PIN 5759.21; and it is hereby further

RESOLVED, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share (if any) of the costs of the Construction & Construction Inspection phase of the project or portions thereof with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Project Agreement; and it is hereby further.

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction & Construction Inspection phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of $ 241,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds the amount appropriated above, $ 241,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds $1,204,000, the project's current Total Cost, the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls (subject to the City of Niagara Falls Attorney's approval as to Form and Content) with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Project Agreement and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution is filed with the New York State Commissioner of Transportation by attaching it to any necessary State/Local Project Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Yeas 5

Nays 0

ADOPTED

STATE GRANT: SIDEWALK REPLACEMENT 81ST & 82ND STREETS

Agenda Item #20

RE: Approval to accept State grant for $100,000.00 to fund sidewalk replacement on 81st & 82nd Streets

The Department of Public Works has received a $100,000 state grant to fund sidewalk replacement on 81st and 82nd Streets. This funding is being distributed by the New York State Department of Transportation.

No City match is required for this funding.

Will the Council accept this grant and authorize the Mayor to execute any necessary Agreements in a form acceptable to the Corporation Counsel?

Council Member Fruscione 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 Robins adjourned the Meeting at 7:40 p.m.

Carol A. Antonucci
City Clerk

The first session of the June 29, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of June 15, 2009.

Yeas	5
Nays	0
	APPROVED

Chairman Robins announced that the Council would be accepting applications for one position on the Civil Service Commission, and would make the appointment after the August Recess.

In his Administrative Update, Mayor Paul Dyster reported that:

1. An announcement from the Governor's Office about Federal Stimulus Funding for street repairs is expected at any time now. The Council may need to meet during the August Recess to act on the use of the funds.
2. Mapping of the progress of pothole repairs is on the City's website.
3. The contract for the Lewiston Road Project is on the Agenda. The Lockport Street Bridge will reopen at 7 AM on July 2, and the steps on the side of the Bridge are a safety concern and will not be in use. City Engineer Ali Marzban will keep the Council updated on pedestrian use of the Bridge.
4. There was nothing to report on the Golf Dome, but an Item is on the Agenda to fund the purchase of tables, chairs and barstools for the Restaurant at the Golf Course.
5. There was nothing to report on the Hyde Park Ice Rink.
6. There is an effort to raise private funds to replace damaged equipment at Nor Loc Park.

Council Member Fruscione brought up the issue of basketball courts, and the Mayor responded that the process takes time, and he is looking into a "Gus Macker" type of event for the City.

On the question about Stephenson Park, the Mayor noted that the Engineering Department is working on many projects, and road repairs with matching Federal funds take priority. Chairman Robins suggested outsourcing some of the projects to get them moving along. Civil Engineer Robert Buzzelli added that there is a pre-bid meeting tomorrow for Stephenson Park.

Chairman Robins questioned Director of Public Works David Kinney about the portion of Portage Road that was not repaired, and Mr. Kinney responded that the "Zipper" machine would be used there, as well as on part of Buffalo Avenue. Council Member Anderson commended Mr. Kinney for the excellent job that his crews are doing. Mr. Buzzelli also reported that the 72nd Street Project would be put out to bid by the end of July.

Council Member Walker asked about repairs to cuts made by the Water Board for repair work, and Mr. Kinney responded that his Department has to wait for a "ticket" from the Water Board in order to be reimbursed for the repairs.

Mayor Dyster noted that the next Concert at the Hard Rock will be on July 11.

The Mayor spoke about the damage to the Royal Avenue Fire Hall and the City Hall basement caused by the heavy rainfall last week. Council Member Anderson asked about installing ceiling fans in the Council Chambers, and the Mayor responded that the New York Power Authority was asked to assist with the electrical upgrades that are needed.

The Mayor also informed the Council Members that there will be a meeting with the Division of Parole on Thursday to discuss the issue of sex offenders living in the area of Niagara Street School.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of four Items to be added to the Agenda:

1. A Resolution relative to honoring Jonny Flynn.

Council Member Fruscione 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 #28.

2. A Resolution relative to adopted the proposed Amendments to the Comprehensive Plan and Zoning Ordinance.

Council Member Fruscione 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 #29.

3. A Resolution relative to the abandonment of the alley running north/south between Main and Eighth Streets South of Linwood Avenue.

Council Member Fruscione 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 #30.

4. A communication relative to appropriation of Fund Balance for emergency cleanup at Royal Avenue Fire Hall.

Council Member Fruscione 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 #31.

Council Member Fruscione requested a Parking Ramp Update at the next Council Meeting.

Chairman Robins questioned overtime expenses for the Police Department (Agenda Item #3), and Superintendent John Chella explained that this was a reimbursement.

Chairman Robins asked why overtime was being requested for various divisions in the Public Works Department (Agenda Item #12), and Mr. Kinney responded that the amounts were reduced during the Budget process last year. Council Member Fruscione moved to amend the communication to add the amount needed for FICA and retirement.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

Council Member Anderson questioned the acquisition of property on Third Street (Agenda Item #16), and Mayor Dyster explained that the City needs to acquire the property for the City's purposes rather than have the property held by a land speculator.

City Assessor Dominic Penale addressed Agenda Items 19, 20 and 21 concerning the Assessment Roll.

Council Member Anderson asked about the costs involved for signage for changing the name of Factor Outlet Boulevard, and a discussion followed.

This Session ended at 4:50 PM

Chairman Robins reconvened the Meeting at 7:08 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Sam Fruscione and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Robins announced a Public Hearing regarding the abandonment of the alley running North/South between Main & 8th Streets, South of Linwood Avenue. There were no speakers.

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

Ron Anderluh	Agenda Items #16 & 19
Donna Donohue	Agenda Items #17
Ken Hamilton	Agenda Items #5,7,15,25,26&27
Ron Anderluh	Sexual Predators in Niagara Falls
Nicholas D'Agostino	South End sidewalks, park improvements, festivals
Dennis Winchell	Courthouse facility issues
Manny Miller	Sex Offenders in Niagara Falls
Gloria Dolson	Vacant lot next to 1502 Ontario Ave, Youth issues, Mayor's Attendance at Council meetings, use of tasers, hiring African-Americans
Ken Hamilton	Courthouse issues, Library funding, Jonny Flynn, Road repairs, Funding of member items, African-American employment
Michael Hayes	Police incident
Elease Hayes	Police incident
Mary Pugh	Police incident
Teonna Hayes	Police incident

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: MAN O'TREES, INC. RECONSTRUCTION OF LEWISTON ROAD NYS 104

Agenda Item #1
SUBJECT: RECONSTRUCTION OF LEWISTON ROAD NYS 104 FROM BATH AVENUE TO NIAGARA FALLS NORTH CITY LINE PIN 5045.24

The following was the result of bids received on June 19, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
Man O'Trees, Inc. 1500 Union Road West Seneca NY 14224	$ 7,713,000.00
Yarussi Construction, Inc.	$ 9,043,527.01
CATCO, Inc.	$ 9,303,231.50

It is the recommendation of the undersigned that this project be awarded to Man O'Trees, Inc. at its Base Bid of $7,713,000.00. Funding is available under Capital Code H0421.2001.0421.0449.599.

This award is also subject to approval by the New York State Department of Transportation.

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

Yeas 5
Nays 0
APPROVED

CITY PROPERTY: HIGHLAND AVENUE

Agenda Item #2
RE: 3123 Highland Avenue Niagara Falls, NY
3001 Highland Avenue Niagara Falls, NY

The United States Environmental Protection Agency ("EPA") is requesting that the City allow it to access the above-referenced City owned properties in order to investigate and remediate surface or subsurface contamination, establish field operation and use of property for staging of trailers, equipment, and supplies during the removal action at the properties, fence the site perimeter and/or secure site buildings as needed, sample, stabilize, and off-site disposal of drums, laboratory chemicals, electrical transformers, vats, asbestos containing materials, and/or other waste materials containing hazardous substances and take other response actions necessary to remediate contamination found on the properties. This action by the EPA will be at no cost to the City and will be undertaken pursuant to the EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.

Consent for access to each property must be signed by the Mayor. Copies are attached hereto.

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

Yeas 5
Nays 0
APPROVED

POLICE DEPARTMENT: OVERTIME

Agenda #3
RE: Niagara Falls Police Department Overtime

The Niagara Falls Police Department has incurred an unanticipated additional overtime as a result of its move into the new public safety building. This unanticipated expense totals $47,366 inclusive of fringe benefits. It is requested that this amount be transferred to the Niagara Falls Police Department overtime budget line in order to replenish this overtime budget line. Funding is available through Casino interest.

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

Yeas 5
Nays 0
APPROVED

AMERICANS WITH DISABILITIES ACT OF 1990: AGREEMENT

Agenda #4
RE: Americans with Disabilities Act

Attached(on file in City Clerk's Office) please find a copy of the proposed settlement agreement between the United States of America and the City of Niagara Falls relative to the City's compliance with the Americans with Disabilities Act of 1990. In 2001 and again in 2004, the Department of Justices Disability Rights section conducted a review of City services, policies, practices, facilities and polling places with regard to compliance with the ADA. Based on its findings, the Department of Justice has proposed this settlement to guide the City in its efforts to comply with the ADA.

The settlement agreement requires the City to undertake a number of remedial actions including, but not limited to, evaluating and modifying services, programs or activities, providing improved information and notification for persons with disabilities and, if necessary, physical changes to buildings and facilities to comply with ADA standards for accessible design.

The City will be provided with three years to complete its remedial measures; this will allow the City to integrate the ADA compliance initiative into its ongoing capital planning.

The City Administrator will coordinate the City's compliance efforts and has notified all effected City departments. Pending approval of this settlement agreement, the City Administrator will initiate our remedial efforts.

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

Yeas 5
Nays 0
APPROVED

MULLIGAN'S: EQUIPMENT

Agenda #5
RE: Tables and Chairs and Barstools at Mulligan's FKA Green's Restaurant

It is in the best interest of the public to purchase new tables and chairs for the above-referenced City owned facility at Hyde Park Golf Course.

The cost for these new tables and chairs is $8,100. In addition, new barstools were purchased for the sum of $1,235 and it is necessary to appropriate additional money so as to replenish the Parks Department account from which this sum of money was taken. The funding for this total amount of $9,335 may be found in 2007 Casino funds.

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

Yeas 5
Nays 0
APPROVED

FIRE DEPARTMENT: 10TH STREET REPAIRS

Agenda #6
RE: Tenth Street Fire Hall Roof

As the Council is aware, it is necessary to make emergency repairs to the Tenth Street Fire Hall Roof.

The cost of these repairs is $5,800 and since this is not a budgeted amount, it is requested that the Council appropriate this sum from Fund Balance.

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

Yeas 5
Nays 0
APPROVED

AFRICAN AMERICAN FESTIVAL

Agenda #7
RE: African American Festival

The City has been asked for a $1,000 contribution for the African American Festival scheduled for July 24, 2009 and July 25, 2009. Funding is available from the Tourism Fund balance.

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

Yeas 5
Nays 0
APPROVED

GOSPEL FESTIVAL

Agenda #8
RE: Gospel Festival

The City has been asked for a contribution in the amount of $1,000 for the Gospel Festival in conjunction with the NFMMC scheduled to be held on July 18, 2009. Funding is available from the Tourism Fund balance.

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

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS DEPARTMENT: TEMPORARY MW-3 POSITION

Agenda #9
RE: Creation of temporary MW-3 position in Streets Division

It is requested that a temporary MW-3 position be created to assist with the City's in-house paving program.

The position would be filled from June 29th to October 30, 2009 at the estimated cost of $720 which is available in Expense Code A.5110.0200.0110.000.

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

Yeas 5
Nays 0
APPROVED

CITY PROPERTY, RAINBOW BOULEVARD
Agenda #10

RE: Deed Restriction on 609 Rainbow Boulevard

In 2007 the City transferred the lot at 609 Rainbow Boulevard to the owner of 655 Rainbow Boulevard with a deed restriction that the lot be accessory to the 655 Rainbow property and restricted to parking.

Since that time there has been additional action by the Zoning Board of Appeals and the Niagara Falls Planning Board which allowed the 655 property to be redeveloped without the necessity of the accessory parking lot.

Based on this, the Planning Department has recommended that the restriction be removed.

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

Yeas 5
Nays 0
APPROVED

MUNICIPAL SERVICES BUILDING: EQUIPMENT

Agenda #11

RE: Equipment for Municipal Building

Attached (on file in City Clerk's Office)is a memo from David Kinney outlining the equipment requested to be used at the new Municipal Building

Will the Council appropriate $100,000 of 2007 casino funds for this equipment?

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

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS, OVERTIME

Agenda #12

RE: Overtime for Department of Public Works

Attached (on file in City Clerk's Office) hereto is a spreadsheet showing use of overtime in various divisions of the Department of Public Works.

Based on the usage through the first half of the year, it is requested that the various divisions be replenished in the total amount of $102,000.

It is recommended that this funding be appropriated from Mayor's Contingency.

Council Member Fruscione moved to amend the communication to change the funding source

Yeas 5
Nays 0
AMENDMENT APPROVED

Council Member Anderson moved to approve the communication as amended

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: LEAF COLLECTOR

Agenda #13

RE: Capital Equipment Plan

Recall that Phase I of the 2009 Capital Equipment Plan was previously approved totaling $1,525,000. There is approximately $78,306.77 remaining. In an effort to enhance the leaf removal for City residents this year I am requesting your approval to use $45,000 of the remaining funds to purchase a second leaf collector that otherwise would have been included in Phase II of the 2009 Capital Equipment Plan.

Funding has previously been designated.

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

Yeas 5
Nays 0
APPROVED

ARTS IN THE PARK PROGRAM: FUNDING

Agenda #14

RE: Arts in the Park

The City has been asked to contribute the sum of $1,000 for the Arts in the Park program to be held at the NACC. This event will be held on July 19, 2009. Funding is available from the Tourism Fund balance.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: WENDEL-DUCHSCHERER ARCHITECTS & ENGINEERS, P.C.; LEWISTON ROAD

Agenda #15

SUBJECT: CHANGE ORDER #4 – CONSULTANT SERVICES FOR THE RECONSTRUCTION OF LEWISTON ROAD/NY ROUTE 104 – PIN 5045.24

A contract for the above referenced project was awarded to Wendel-Duchscherer Architects & Engineers, P.C., 95 John Muir Drive, Suite 100, Amherst, NY on October 9, 2001 in the amount of $1,395,000.00. Change Order #1, #2 and #3 were approved by City Council on May 10, 2004, March 5, 2007 and June15, 2009, respectively, in the amount of $0.00 each, thereby not increasing the total cost of the contract to date.

Change Order No. 4 is composed of two separate portions. The first portion is associated with the out-of-scope tasks associated with the Consultant finishing the final design and creating final construction documents – Construction Plans and Specifications. The tasks listed below were not originally included within the Consultant's provided services, but were subsequently added by the City as conditions warranted. These tasks and the associated fee for them in total are as follows:

- Storm Water Management/Roadway Drainage Design & Specifications
- Final Bridge Design & Specifications
- Radioactivity Detection/Analysis/Quantification and Remedial Action Plan
- Alteration of Final PS&E Submission Package to facilitate NYSDOT Processing/Approval

Total for Additional Final Design Tasks

$ 367,120.00

The second portion of this change order is for the City to add the funding for the tasks associated with Construction Contract Administration and Construction Inspection and related Direct Non-Salary Costs (DNSC) to the Consultant's current contract.

Total for Additional Contract Administration/Construction Inspection

$1,460,910.00

Therefore, it is the recommendation of the undersigned that **Change Order #4 in the amount of $1,828,030.00** be approved, bringing the **new contract total to $3,223,030.00.** Please note that the City is receiving, and will continue to receive, an 80% reimbursement of all project costs from the Federal Highway Administration's National Highway System (NHS) and Standard Transportation Project (STP) funding centers, with an additional 15% reimbursement via the New York State's Marchiselli Aid fund for this project. Considering all of the aforesaid reimbursements, this total Change Order amount translates to approximately **$91,401.50 City Of Niagara Falls dollars.** Funding is available in Capital Project Code H0421.2001.0449.599. This amount is also subject to approval by the New York State Department of Transportation.

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

Yeas 5
Nays 0

Agenda # 16
RE: Purchase of 446-Third Street
$54,900.00

446 Third Street is the former Lotus Acupuncture facility. The property is SBL #159.29-1-55. It is assessed for $102,200. It is currently owned by the federal government through forfeiture proceedings. The property has been listed on the open market for sale.

As you recall, the City purchased the contiguous 448 Third Street property for construction of an arcade to connect Third Street and Second Street. It is desirable to control this parcel so that the arcade concept is not compromised. We are recommending that Council approve the purchase of this property for $54,900. It is also recommended that up to $25,000 be allocated for the demolition of the building located on the site. 2007 Casino funds are available for this purchase and demolition, which constitutes both economic development and neighborhood revitalization.

Normally, acquisition of property first requires Planning Board recommendation. However, pursuant to §504 of the City Charter, referral to the Planning Board may be dispensed with if the Council unanimously determines that immediate acquisition of a specified parcel of land would be in the public interest. Here, referral to the Planning Board would delay our ability to finalize our offer, and may result in the property being purchased for speculation.

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

Yeas	5
Nays	0
	APPROVED

DETENTION AIDES

Agenda #17

RE: Detention Aides

The City has occupied a new Municipal Complex which houses the Police Department and prisoner detention area. The City has determined that the persons guarding prisoners in the new detention facility will have to use tasers. The bargaining unit employees are not legally permitted to possess or operate tasers under the Penal Law and therefore the City has decided to discontinue the employment of the bargaining unit employees and terminate the Collective Bargaining Agreement between the City and the Union. The Union and its bargaining unit employees have been notified of this decision and its consequence. Negotiations have taken place regarding the impact of this decision and settlement agreements have been prepared. Those settlement agreements in place at this time are attached hereto and are briefly described as follows:

1. The first document is a Settlement Agreement between the City and the teamsters Local 264. In this Agreement, the Union agrees that it will not challenge the City's ability to eliminate the detention aide jobs in exchange for offers of severance and cleaner jobs.
2. The next document is a Separation Agreement and General Release from Donna Donohue in exchange for a severance payment of $23,362.70, minus applicable taxes and withholdings.
3. The next document is a Separation Agreement and General Release from Kathy Terrana. Ms.Terrana is being paid a severance of $18,693.25, minus applicable taxes and withholdings.
4. The next document is a Separation Agreement and General Release from Susan Winchell. Ms. Winchell is being paid a severance of $12,531, minus applicable taxes and withholdings.
5. The next document is a Separation Agreement and General Release from Emily Belkota in exchange for a job as a cleaner. No money is being paid to Ms. Belkota.
6. The next document is a Separation Agreement and General Release from Pearl Murphy in exchange for a job as a cleaner. No money is being paid to Ms. Murphy.

There are no Settlement Agreements in place at this time with Mary Richardson, Daniel Coates and Crystal Klein.

The funding for the payment of these severance amounts will come from the detention aide line item in the Police Department budget

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

Yeas 5
Nays 0
APPROVED

CITY ENTRY WAYS: IMPROVEMENTS

Agenda # 18

RE: Improvements to City Entry Ways

Attached(ON FILE IN City Clerk's Office) is a memo from the Department of Public Works requesting funding to make improvements to various City entry ways.

It is recommended that the funding come from 2007 Casino funds.

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 CITY ASSESSOR

LOCALLY-ADJUSTED HOMESTEAD & NON-HOMESTEAD PROPORTIONS

Agenda #19
SUBJ: *Locally-Adjusted Homestead & Non-Homestead Proportions*

In accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and Section 1903-4© of the Real Property Tax Law, I have calculated the locally adjusted proportions for the Niagara Falls School District 2009-10 tax levy.

	School District
Homestead	69.51511
Non-Homestead	30.48489

As a reference, the 2008 Locally Adjusted Proportions for the school district were as follows:

Homestead	69.94248
Non-Homestead	30.05752

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

Yeas 5
Nays 0
APPROVED

The following were RECEIVED AND FILED:

Agenda Item #20
2009 GENERAL ASSESSMENT ROLL
CERTIFICATION OF HOMESTEAD & NON-HOMESTEAD BASE PROPORTIONS

Agenda Item #21
CERTIFICATION OF HOMESTEAD & NON-HOMESTEAD ADJUSTED BASE PROPORTIONS

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify, to the New York State Office of Real Property Services, the attached referenced proportions.

The proportions certified will determine the class tax shares for the 2009-2010 school district tax levy and the 2010 city tax levy.

The certification is now due and the attached represents the necessary certifications.

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

Yeas 5
Nays 0
APPROVED

The following was RECEIVED AND FILED:

Agenda Item #22
RESOLUTION: FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)

RESOLUTION: COMPREHENSIVE PLAN & ZONING ORDINANCE 2009-52

Agenda Item #23

Relative to Notice of Completion of FGEIS for proposed amendments to Comprehensive Plan and Zoning Ordinance

By: Council Member Christopher Robins

WHEREAS, by resolution dated May 4, 2009, the City Council determined that a Draft Generic Environmental Impact Statement (DGEIS) concerning the proposed adoption of amendments to the City of Niagara Falls Comprehensive Plan and Zoning Ordinance (the "Proposed Amendments") was complete for purposes of conducting an appropriate review under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the City Council caused to be duly filed and published a Notice of Completion of the DGEIS and Notice of Joint Public Hearing on June 1, 2009 for purposes of receiving further public comments with respect to the Proposed Amendments and to fulfill the requirements of SEQRA, General City Law § 28-a(7) and City of Niagara Falls Zoning Code § 1308.06; and

WHEREAS, The Planning Board and City Council have considered all public comments concerning the Proposed Amendments received during the joint public hearing on June 1, 2009 and through the public comment period ending June 15, 2009; and

WHEREAS, by resolution dated June 24, 2009, the City of Niagara Falls Planning Board recommended, among other things, that the City Council prepare and publish a Final GEIS (FGEIS) in accordance with the requirements of SEQRA; render its independent findings under SEQRA with respect to the Proposed Amendments; and act affirmatively to adopt the Proposed Amendments; and

WHEREAS, the City Council subsequently caused to be prepared an FGEIS in accordance with the requirements of SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that the City Council has determined that the FGEIS is complete for purposes of SEQRA review, and therefore directs that the attached Notice of Completion of FGEIS be duly published and distributed as specified therein for purposes of fulfilling the requirements of SEQRA.

BE IT FURTHER RESOLVED, that the City Council will undertake to prepare its independent findings as required under SEQRA in light of the conclusions in the FGEIS and all other relevant information prior to rendering any final determination on the Proposed Amendments.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: FIRE STATION CONSTRUCTION GRANTS, 2009-53

Agenda Item #24

Relative to supporting the Niagara Falls Fire Department's request to seek the Assistance to Firefighters Fire Station Construction Grants (SCG)

BY: ALL COUNCIL MEMBERS

WHEREAS, the Niagara Falls City Council is dedicated to the public safety and protection of its residents, visitors and taxpayers, and

WHEREAS, over the last two years, the Niagara Falls Fire Department has experienced a record increase in emergency responses, and

WHEREAS, the Niagara Falls Fire Station on Tenth Street has responded to over 3,000 emergency calls during 2008 alone, and

WHEREAS, the apparatus operating at the Fire Station on Tenth Street are the busiest within the City and offer protection to the entire downtown area, and

WHEREAS, the Fire Station on Tenth Street is over 105 years old and is in need of substantial repairs and updates, and

WHEREAS, the Department of Homeland Security is offering grants to build new Fire Stations at no expense to local taxpayers, and

WHEREAS, a new Fire Station can be built in a strategic location to best protect the residents, visitors and taxpayers of the City, and

WHEREAS, a newly constructed Fire Station can be built with "green" technology that will reduce the future maintenance and operating costs to the City, and

WHEREAS, a newly built Fire Station, through the Department of Homeland Security's Assistance to Firefighters Fire Station Construction Grants (SCG), can be obtained with absolutely no cost to the taxpayers of Niagara Falls, and

WHEREAS, in order for the City to obtain this SCG grant, it is imperative that the grant is submitted timely, and

WHEREAS, the deadline to submit an application for this grant is July 10, 2009, and therefore be it

RESOLVED, that the City Council authorizes the appropriate Departments and personnel to apply for the Department of Homeland Security's Assistance to Firefighters Fire Station Construction Grants (SCG), and be it further

RESOLVED, that the City Council wholeheartedly supports the construction of a replacement "Tenth Street" Fire Station, through the Fire Station Construction Grants, with no cost to City taxpayers, and be it further

RESOLVED, that the City Council strongly suggests that all available resources are devoted to this grant request and to complete the grant request in a timely fashion.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: VETERANS MEMORIAL COMMISSION CORPORATION, 2009-54

Agenda Item #25

Relative to naming the Niagara Falls Veterans Memorial Commission Corporation as the City's sole representative

BY: Council Member Robert A. Anderson, Jr.
Council Member Sam Fruscione

WHEREAS, the Niagara Falls Veterans Memorial Commission Corporation was established to create a Memorial in the City of Niagara Falls to honor the memory of all those brave men and women from Niagara Falls, New York, who have given their lives for their country; and

WHEREAS, in keeping with the Niagara Falls City Council Resolution previously adopted and the responsibility associated with the development of the Memorial, the Commission has asked to be appointed as being the entity responsible for all veterans events, parades and special services in the City of Niagara Falls, New York to include, but not limited to all other matters which involve the Memorial; and

WHEREAS, this was requested by the Niagara Falls Veterans Memorial Commission Corporation, a non-for-profit 501c 3 organization.

NOW, BE IT RESOLVED, that the Niagara Falls City Council hereby designates the Niagara Falls Veterans Memorial Commission Corporation as the entity responsible for all veterans events, parades and special services in the City of Niagara Falls, New York to include, but not limited to all other matters which involve the memorial; and

BE IT FURTHER RESOLVED, that this resolution will remain in effect until modified or revoked by the City Council of the City of Niagara Falls, New York.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: MARRIAGE OFFICER, APPOINTMENT

Agenda Item #26
THIS ITEM WAS PULLED-NO ACTION WAS TAKEN

RESOLUTION: FACTORY OUTLET BOULEVARD, NAME CHANGE, 2009-55

Agenda Item #27

Relative to calling for a Public Hearing to be held on July 13, 2009, to change the name of Factory Outlet Boulevard to Fashion Outlets Boulevard

BY: Council Chairman Chris Robins

WHEREAS, presently there is a street named Factory Outlet Boulevard; and

WHEREAS, the operators of the Fashions Outlets Mall has requested that the name of the Factory Outlet Boulevard be changed to that of Fashion Outlets Boulevard; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, NY that pursuant to section 901.02 of the Codified Ordinances, the City Council does hereby express its intent to change the name of the Factory Outlet Boulevard to Fashion Outlets Boulevard and will hold a public hearing on said change at 7:00P.M. Eastern Daylight Time on July 13, 2009 in the Council Chambers; the City Clerk is hereby directed to publish in the Niagara Gazette at least once prior to July 13, 2009 a notice of said intention to change the name of Factory Outlet Boulevard to Fashion Outlets Boulevard at this Council's regular meeting scheduled for July 13, 2009.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: FLYNN, JONNY

Agenda Item #28
Relative to honoring Jonny Flynn
BY: All Council Members
Whereas, Jonny Flynn, former Niagara Falls High School and Syracuse point guard, officially became a part of the NBA on Thursday, June 25, 2009, by being the sixth pick in the NBA draft by the Minnesota Timberwolves as a point guard; and
Whereas, Flynn is the first Syracuse player selected in the draft lottery since Carmelo Anthony went third in 2003. Both Flynn and Syracuse teammate Paul Harris grew up in Niagara Falls and are appreciative of what this region has given to them; and
Whereas, Flynn, who was New York State's Mr. Basketball in 2006 was also known as a top defender at Niagara Falls High School and Syracuse. "In his interviews, he's forever mentioning Niagara Falls. He puts a lot of good word in about the City," said Niagara Falls basketball coach Sal Constantino.

Therefore, we the Niagara Falls City Council join with the citizens of the City of Niagara Falls, New York, USA, in congratulating Jonny Flynn in being among the first names called off by National Basketball Association Commissioner David Stern at the 2009 draft to become the highest drafted local hoopster taken with the No. 6 pick by the Minnesota Timberwolves. We recognize in Jonny that we have, not only a special athlete, but an outstanding Ambassador for the City.

Yeas	5
Nays	0
	ADOPTED

The following was RECEIVED AND FILED:

Agenda Item #29
RESOLUTION: ADOPTING PROPOSED AMENDMENTS TO COMPREHENSIVE PLAN & ZONING ORDINANCE

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: ABANDONMENT OF ALLEY,MAIN STREET & SOUTH AVENUE, 2009-57

Agenda Item #30

Relative to Abandonment of alley running N/S between Main & 8th Streets South of Linwood

BY: All Council Members

WHEREAS, the City Council of the City of Niagara Falls desires to abandon the alley running north/south between Main and Eighth Streets, south of Linwood Avenue; and

WHEREAS, the Planning Board of the City of Niagara Falls approved the abandonment of the aforementioned alley; and

WHEREAS, the City Council did by resolution give notice of its intention to abandon the aforementioned alley and did direct the City Clerk to publish notice of such intention and that a public hearing would be held by the City Council at its meeting to be in the Council Chambers on June 29, 2009 at 7:00 p.m. Eastern Daylight Time and advise that all persons interested would be heard thereon at said time and place;

WHEREAS, the hearing was duly held on June 29, 2009 at 7:00 p.m. Eastern Daylight Time in regards to said abandonment.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the alley running north/south between Main and Eighth Streets, south of Linwood Avenue and more particularly described as:

> Commencing at a point in the south line of Linwood Avenue, 73.3 feet west of the intersection of said south line with the west line of Main Street; thence south along the east line of said alley, a distance of 132 feet to a point; thence west a distance of 8 feet to a point on the west line of said alley; thence north a distance of 132 feet to a point on the south line of Linwood Avenue; thence east a distance of 8 feet to the point and place of beginning

is hereby abandoned; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed in the Office of the Clerk of the County of Niagara and that the Mayor may sign deeds or other documents desirable to effectuate this abandonment.

Yeas	5
Nays	0

ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

FIRE DEPARTMENT: ROYAL AVENUE FIRE HALL, EMERGENCY CLEANING

Agenda Item #31

RE: Appropriation of Fund Balance for emergency cleanup at Royal Avenue Fire *Hall*

The extremely heavy rain last Thursday caused the sewer to backup at the Royal Avenue Fire Hall.

Attached is the estimate from Kwik Klean of Wheatfield to clean and sanitize the damage in the amount of $13,984.13.

Since this sum was not budgeted, it is requested that the Council appropriate this amount from Fund Balance.

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 Robins adjourned the Meeting at 8:40 p.m.

Carol A. Antonucci
City Clerk

The first session of the July 13, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:09 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

In the Administrative Update, City Administrator Donna Owens reported that:

1. The past weekend, the Sugar Ray Concert at the Hard Rock and the Orchard Parkway Garden Walk were very successful events. The City instituted a "pay as you enter" policy for the Parking Ramp in an effort to resolve some of the payment issues. She thanked all those who worked to make the weekend a success.
2. The driveway project at the NACC is almost complete, and she listed other streets where work is in progress. Chairman Robins asked about the raised manhole covers on Portage Road, and he was informed that the road has not yet been "topped".
3. The City's website has a map of street repairs completed and in progress.
4. Repair work at the City's Parking Ramp is ongoing. USA Niagara is working on an application for a Grant to fund repairs, and other grants will also be applied for if needed. Council Member Fournier asked that City Controller Maria Brown prepare a revenue report for the Ramp, comparing the Ramp with the Ramp that was demolished.
5. Additional Police presence has been requested to deal with the LaSalle Waterfront Park vandalism, and Council Member Fournier asked about the use of security cameras.
6. Repairs will start on the City Hall steps as structural issues with the building are addressed.
7. The Taste of Niagara will take place at the West Mall on July 24, 25 and 26.

City Engineer Ali Marzban advised that:

1. A pre-construction meeting will take place next week for the Lewiston Road Project.
2. The Tennis Court Project has not started.
3. The City's consultant is working on the Abate Basketball Courts Project.

Kevin Cottrell reported that he is working with Niagara University, the Niagara Falls Housing Authority, the Niagara Tourism and Convention Corporation and the Niagara Falls Bridge

Commission on the North Star North End Project. He also spoke on the Ontario House Jazz Festival and the Freedom Trail Festival. Mayor Paul Dyster also added that the City has received a Letter of Award for $100,000 for interior restoration of the Customs House.

Mayor Dyster noted that the repair work on Grand Avenue is more extensive than planned. Bids will be opened on August 3, 4 and 5 for street

repairs using Stimulus Funds, and a Special Council Meeting will be requested to award the contracts.

Council Member Fruscione asked about the status of lighting at Gill Creek Park, and the Mayor responded that the work may not be completed before the International Festival is held.

Council Member Fruscione also asked about the status of legislation relative to landlords, and Corporation Counsel Craig Johnson responded that he spoke with the NYCOM General Counsel, who informed him that state-wide legislation would not be forthcoming, and advised that municipalities should draft their own legislation.

Council Member Anderson asked the Mayor about the status of repairs to 72nd Street, and the Mayor informed him that the project has not yet been bid, but the process would start before the end of the year. As to the Buffalo Avenue repairs, the Mayor said that repairs to the residential end would be done in-house.

Council Member Anderson asked Police Superintendent John Chella about handicapped parking enforcement and fines. The Chief responded that enforcement is ongoing, and fines can be addressed.

Council Member Anderson asked Fire Chief MacKay about the status of the Royal Avenue Fire Hall, and the Chief responded that the building has been fully de-contaminated and he was working on putting the station back into service.

Council Member Anderson expressed his concern about the trees on A, B and C Streets to Public Works Director David Kinney.

Council Member Fruscione asked if there was anything in the Zoning Ordinance relating to trees and landscaping, and Steven Ricca, the Attorney working on the Ordinance for the City, replied that there is nothing in the Ordinance that would stall a project for failure to comply with landscaping.

The Law Department will respond to Council Member Anderson's question on the use of 99H funding for the Police and Fire Departments.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of six Items to be added to the Agenda:

1. A communication relative to approval of re-programming CDBG Funds.

Council Member Fruscione 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.

2. A communication relative to approval of the contract for utility abandonment, asbestos abatement and demolition of various properties.

Council Member Fruscione 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.

3. A communication relative to the Ezekiel Project.

Council Member Fruscione 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 #18.

4. A communication relative to the roller skating facility and park improvements at Stephenson Avenue Park.

Council Member Fruscione 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.

5. A communication relative to a grant application for the International Rail Station.

Council Member Walker 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 #20.

6. A communication relative to the repair of the chiller system at the Earl W. Brydges Library.

Council Member Fruscione 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 #21.

Council Member Fruscione asked if there was any documentation on what had been done so far for the Ezekial Project (Agenda Item #18), and Community Development Director Robert Antonucci responded.

Chairman Robins noted the number of Items that were requested to be added to the Agenda, and Mayor Dyster gave an explanation.

Council Members Fruscione and Walker questioned the budget expenditures for the Niagara Festival & Entertainment Group (Agenda Item #7), and a lengthy discussion followed.

This Session ended at 5:10 PM

Chairman Robins reconvened the Meeting at 7:07 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker 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 relative to the Renaming of Factory Outlet Boulevard. There were no speakers.

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

Lisa Vitello	Agenda Item #13
Bob Drozdowski	Agenda Item #7
Daria Sterner	Agenda Item #7
Michelle Vanstrom	Robert Moses Parkway
Faisal Merani	Hotel Projects
Vince Sandonato	72nd Street Repairs

The following was RECEIVED AND FILED:
Agenda Item #1
Claims Report for month of June, 2009.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SCOTT LAWN YARD; 448 3RD STREET

Agenda Item #2

RE: Approval of Letter of Award for Sidewalk Pavers, Bollard Lighting and Lot Improvements at 448 3rd Street to Scott Lawn Yard at a base bid of $28,800

The following was the result of bids received on June 29, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
Scott Lawn Yard 5552 Townline Road Sanborn NY 14132	$ 28,800.00
Yarussi Construction Co.	$ 38,400.00

It is the recommendation of the undersigned that this project be awarded to Scott Lawn Yard at its Base Bid of $28,800.00. Funding is available in code H0916.2009.0916.0443.000.

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

Yeas 5
Nays 0

APPROVED

DETENTION AIDES

Agenda Item #3

RE: Approval of Settlement Agreement in the matter of Detention Aides

At your June 29 meeting you approved a Settlement Agreement between the City and teamsters Local which represented the detention aides together with Separation Agreements for several of the former detention aides.

Attached (ON FILE IN City Clerk's Office) are a Separation Agreement and General Release from Crystal Klein in exchange for a severance payment of $3,073.33 minus applicable taxes and withholdings.

The funding for the payment of this severance amount will come from the detention aide line item in the Police Department budget.

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

Yeas 5
Nays 0

APPROVED

ENGINEERING; CSX TRANSPORTATION, INC., AGREEMENT

Agenda Item #4

RE: Approval of Preliminary Engineering Agreement between the City and CSX Transportation, Inc.

CSX requires a preliminary engineering agreement and advanced payment to cover their costs in reviewing plans related to the proposed train station and intermodal center.

Funding is available from the funds previously designated for the train station.

Attached (ON FILE IN City Clerk's Office) is a copy of the proposed agreement.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: FAMILY AND CHILDREN'S SERVICE OF NIAGARA, INC.

Agenda Item #5
RE: Approval of Family and Children's Service of Niagara, Inc. Employee Assistance Program Contract

Attached (ON FILE IN City Clerk's Office) is a proposed agreement with Family and Children's Service of Niagara, Inc. to provide an Employee Assistance Program for non-uniform employees of the City of Niagara Falls. Funding is included in the 2009 Budget and will also be provided for in the 2010 budget.

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

Yeas 5
Nays 0
APPROVED

FREEDOM TRAIL FESTIVAL

Agenda Item #6
RE: Approval of $1,000 contribution for the Freedom Trail Festival, to be funded from the Tourism Fund balance

The Freedom Trail Festival is scheduled to occur on September 19, 2009. In an effort to assist the organizers of this festival, it is proposed that the City contribute the sum of $1,000. Funding is available from the Tourism Fund balance.

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

Yeas 5
Nays 0
APPROVED

NIAGARA FESTIVAL & ENTERTAINMENT GROUP

Agenda Item #7
RE: Approval of $16,000 contribution for the Niagara Festival & Entertainment group, to be funded $10,000 from the Tourism Fund and $6,000 from the 2007 Casino Funds

The NIAGARA FESTIVAL & ENTERTAINMENT GROUP is once again proposing to sponsor and coordinate the second annual Niagara Falls Blues Festival 2009 to be held on September 11 and September 12, 2009. The location of the event will be Old Falls Street/Wintergarden area. The Niagara Festival & Entertainment Group is asking that the City contribute the amount of $16,000 for this event. Funding is available from 2009 Tourism Fund ($10,000) and 2007 Casino Funds ($6,000).

THIS ITEM WAS TABLED. NO ACTION WAS TAKEN. CHAIRMAN ROBINS ASKED THAT THE CONTROLLER BE PROVIDED WITH AN EXPLANATION OF THE GROUPS BUDGET PLAN

1325 ONTARIO AVENUE; SALE OF CITY-OWNED PROPERTY

Agenda Item #8
RE: Approval of the sale of 1325 Ontario Avenue to Deborah Blanchard and James Costanzo for a sum of $250.00

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $250.00. This property was approved for sale by the Planning Board.

Will the Council approve the sale of these 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, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas 5
Nays 0
APPROVED

POLICE DEPARTMENT, FEE INCREASES

Agenda Item #9

RE: Approval of Fee Increases for 2010 for the Niagara Falls Police Department

The Niagara Falls Police Department has requested that certain fees be increased for year 2010. Most of these fees charged have not been increased in several years. Attached (ON FILE IN City Clerk's Office) is a communication from the Police Department detailing the existing fees and the requested increase.

Council Member Fruscione 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 COUNCEL

CLAIM: CASIMIR S. TUBINIS

Agenda Item #10

RE: Approval to Settle and Pay Casimir S. Tubinis 2759 Orleans Avenue, Niagara Falls, NY 14303

Date Claim Filed:	June 17, 2008
Date Action Commenced:	February 6, 2009
Date of Occurrence:	June 9, 2008
Location:	3054 Orleans Avenue, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained due to milling of City street.
Status of Action:	Post-trial.
Recommendation/Reason:	Order of Niagara Falls City Court.
Amount to be Paid:	$711.09
Make Check Payable to:	Casimir S. Tubinis
Conditions:	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.

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: FREEZING THE CASINO FUNDS APPROPRIATED TO THE NIAGARA TOURISM AND CONVENTION CORPORATION

Agenda Item #11
THIS ITEM WAS PULLED-NO ACTION WAS TAKEN. COUNCIL MEMBER FRUSCIONE ASKED THAT THE CONTROLLER HOLD THE PAYMENT UNTIL THE LAST DAY.

RESOLUTION: FACTORY OUTLET BOULEVARD NAME CHANGE, 2009-58

Agenda Item #12
Relative to: FACTORY OUTLET BOULEVARD NAME CHANGE TO FASHION OUTLETS BOULEVARD
By: Council Chairman Christopher Robins

WHEREAS, by resolution adopted June 29, 2009 this Council directed the Clerk of the Council to publish a Notice of Intention to consider a change of name of Factory Outlet Boulevard to Fashion Outlets Boulevard at the regularly scheduled meeting of this Council on July 13, 2009 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, NY that the name of Factory Outlet Boulevard be and is hereby changed to be henceforth known as Fashion Outlets Boulevard; 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

RESOLUTION: ADOPTION OF SEQRA FINDINGS REGARDING PROPOSED AMENDMENTS TO COMPREHENSIVE PLAN AND ZONING ORDINANCE, 2009-59

Agenda Item #13
Relative to Adoption of SEQRA Findings Regarding Proposed Amendments to Comprehensive Plan and Zoning Ordinance
BY: ALL COUNCIL MEMBERS

WHEREAS, the City Council wishes to adopt a new City of Niagara Falls Comprehensive Plan (the "Plan") and corresponding amendments to the City of Niagara Falls Zoning Ordinance (the "Zoning Amendments") to promote greater social and economic opportunity and enhanced quality of life in the City of Niagara Falls, and to further the purposes set forth in Section 1300.01 of the City's current Zoning Ordinance; and

WHEREAS, by resolution dated June 29, 2009, the City Council determined that the Final Generic Environmental Impact Statement (FGEIS) for the proposed Plan and Zoning Amendments was complete for purposes of review under the New York State Environmental Quality Review Act (SEQRA), and thereafter caused a Notice of Completion of the FGEIS be duly filed and published; and

WHEREAS, the City Council has reviewed and duly considered all comments concerning the proposed Plan and Zoning Amendments and has undertaken its independent review and consideration of the conclusions in the FGEIS; and

NOW, THEREFORE, BE IT RESOLVED that, having undertaken its independent review and consideration of the conclusions in the DGEIS and FGEIS and all other relevant information in light of the environmental criteria contained in the SEQRA regulations, the City Council, as SEQRA lead agency, does hereby adopt the attached (ON FILE IN City Clerk’s Office) SEQRA Findings Statement, which is expressly incorporated herein by reference.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ADOPTION OF NEW CITY OF NIAGARA FALLS COMPREHENSIVE PLAN, 2009-60

Agenda Item #14

Relative to the Adoption of New City of Niagara Falls Comprehensive Plan
BY: ALL COUNCIL MEMBERS

WHEREAS, the City Council wishes to rescind the current 1992 City of Niagara Falls Comprehensive Plan and adopt a new 2008 City of Niagara Falls Comprehensive Plan (the "Plan") to promote greater social and economic opportunity and enhanced quality of life in the City of Niagara Falls; and

WHEREAS, by resolution dated July 13, 2009, the City Council adopted certain SEQRA Findings concerning the proposed Plan, based upon its independent review and consideration of the conclusions in a Draft Generic Environmental Impact Statement (DGEIS), Final Environmental Impact Statement (FGEIS) and all other relevant information in light of the environmental criteria contained in the SEQRA regulations; and

WHEREAS, the aforementioned SEQRA Findings are expressly incorporated herein by reference; and

WHEREAS; the development of the Plan involved several years of careful analysis and planning, involving extensive public input and participation, as detailed in the SEQRA Findings; and

WHEREAS; the City Council has referred the Plan, corresponding Zoning Amendments and DGEIS to the Niagara County Planning Board pursuant to Gen. Mun. Law § 239-m; and

WHEREAS; on or about May 12, 2009, the Niagara County Planning Board voted to recommend approval of the proposed Comprehensive Plan, Zoning Amendments and DGEIS; and

WHEREAS, the City Council has reviewed and duly considered all public and agency comments concerning the proposed Plan throughout the lengthy public review process, as detailed in the Council's SEQRA Findings; and

WHEREAS, the City Council has considered the Plan in light of the development goals and objectives of the City of Niagara Falls and with the purposes and intent of the current City of Niagara Falls Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby make the following additional findings:

1. The City Council duly noticed and conducted a joint public hearing with the Planning Board on June 1, 2009 concerning the Plan, and has heard and considered all public comments on those amendments submitted up to and including June 15, 2009; and
2. Due to the current social, economic, land use and other conditions described in Part I of the Plan, adoption of the Plan is required and necessary to promote greater social and economic opportunity and enhanced quality of life, and to guide the physical revitalization of City neighborhoods and other community districts in a manner that is protective of the natural environment; and
3. The Plan will further the purposes set forth in Section 1300.01 of the City's current Zoning Ordinance for the reasons detailed throughout the Plan itself and in the accompanying DGEIS, FGEIS and SEQRA Findings, all of which are incorporated herein by reference; and
4. The proposed Plan will otherwise be protective of the public health, safety and general welfare of City residents.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council does hereby:

A. Rescind the current City of Niagara Falls Comprehensive Plan dated 1992; and

B. Adopt in its place the new 2008 Plan, a copy of which shall be filed with both the City Clerk and the Niagara County Planning Board in accordance with New York Gen. City § 28-a(13).

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: RESCISSION OF CURRENT CHAPTER 1300 OF THE CITY OF NIAGARA FALLS CODE AND ADOPTION OF NEW ZONING ORDINANCE, 2009-61

Agenda Item #15

RE: The Rescission of Current Chapter 1300 of the City of Niagara Falls Code and Adoption of New Zoning Ordinance

BY: ALL COUNCIL MEMBERS

WHEREAS, the City Council wishes to adopt amendments to the City of Niagara Falls Zoning Ordinance (the "Zoning Amendments") dated April 14, 2009 to further the important goals and objectives set forth in the new 2009 City of Niagara Falls Comprehensive Plan (the "Plan") adopted by the City Council on July 13, 2009; and

WHEREAS, by resolution dated July 13, 2009, the City Council adopted certain SEQRA Findings concerning the proposed Plan based upon its independent review and consideration of the conclusions in a Draft Generic Environmental Impact Statement (DGEIS), Final Generic Environmental Impact Statement (FGEIS) and all other relevant information in light of the environmental criteria contained in the SEQRA regulations; and

WHEREAS, the aforementioned SEQRA Findings are expressly incorporated herein by reference; and

WHEREAS; the development of the Zoning Amendments involved several years of careful analysis and planning, involving extensive public input and participation, as detailed in the SEQRA Findings; and

WHEREAS; the City Council has referred the Plan, Zoning Amendments and DGEIS to the Niagara County Planning Board pursuant to Gen. Mun. Law § 239-m; and

WHEREAS; on or about May 12, 2009, the Niagara County Planning Board voted to recommend approval of the Plan, Zoning Amendments and DGEIS; and

WHEREAS, the City Council has reviewed and duly considered all public and agency comments concerning the proposed Zoning Amendments throughout the lengthy public review process, as detailed in the Council's SEQRA Findings; and

WHEREAS, the City Council has considered the proposed Zoning Amendments in light of the goals and objectives of the City of Niagara Falls and with the purposes and intent of the current City of Niagara Falls Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby make the following additional findings:

1. The City Council duly noticed and conducted a joint public hearing with the Planning Board on June 1, 2009 concerning the proposed Zoning Amendments, and has heard and considered all public comments on those amendments submitted up to and including June 15, 2009; and
2. Due to the current social, economic, land use and other conditions described in Part I of the Plan, adoption of the Plan is required and necessary to promote greater social and economic opportunity and enhanced quality of life, and to guide the physical revitalization of City neighborhoods and other community districts in a manner that is protective of the natural environment; and
3. The proposed Plan will further the purposes set forth in Section 1300.01 of the City's current Zoning Ordinance for the reasons detailed throughout the Plan itself and in the accompanying DGEIS, FGEIS and SEQRA Findings, all of which are incorporated herein by reference; and
4. The proposed Zoning Amendments dated April 14, 2009 are fully consistent with, and were prepared in direct response to, the purposes and intent of the 2009 Plan; and
5. The 2009 Plan and Zoning Amendments dated April 14, 2009 will otherwise be protective of the public health, safety and general welfare of City residents.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council does hereby:

A. Rescind in their entirety current City of Niagara Falls Code Chapters 1300, 1302, 1304, 1306, 1308, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329 1330, 1331, 1332, and 1333 and all appendices, tables, figures, maps and schedules incorporated therein; and

B. Enact in their place as a new Zoning Ordinance the Zoning Amendments dated April 14, 2009, consisting of City of Niagara Falls Code Chapters 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, and 1328 and all appendices, tables, figures, schedules and maps incorporated therein, and

C. Declare that Figure 8 of the aforementioned April 14, 2009 Zoning Ordinance shall constitute the new Official Zoning Map of the City of Niagara Falls, and direct that such map be duly filed with the Clerk of the City of Niagara Falls and with the Niagara County Clerk.

Yeas 5
Nays 0

ADOPTED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

COMMUNITY DEVELOPMENT; RE-PROGRAMMING OF 2009 FUNDS

Agenda Item #16

RE: Approval of Re-Programming of 2009 CDBG Funds

The 2009 Community Development budget included a $150,000 allocation to the Niagara Falls Memorial Medical Center for the creation of an emergency room parking facility at the corner of 10th Street and Walnut Avenue. The project scope included the demolition of four (4) properties owned by the hospital, paving of the vacant land, landscaping and fencing. Community Development submitted the project description to the State Historic Preservation Office (SHPO) for review as our MOA stipulates. SHPO recently informed us that they have determined that the use of federal funds for this project would have an "Adverse Effect" which prohibits the use of CDBG funds committed to the project.

In order to continue this project that received the unanimous support of City Council we are recommending that $150,000 in Casino Revenues be approved to fulfill the City's commitment. The CDBG funding originally approved by Council can be re-programmed to mill and re-surface the following streets that were to be funded by Casino revenues:

- 21st Street from Ferry Avenue to Niagara Street
- 26th Street from Ferry Avenue to Niagara Street
- Welch Avenue from 24th Street to 27th Street

Will Council vote to so approve the re-programming of $150,000 in CDBG funds from the Memorial Medical Center Parking Lot to residential street paving and authorize the use of $150,000 in Casino Revenues for the hospital parking lot project originally dedicated to milling and re-surfacing?

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

Yeas 4
Anderson, Fournier, Fruscione, Robins
Nays 0
Abstained 1
Walker

APPROVED

CONTRACT: NIAGARA FRONTIER SERVICES, VARIOUS PROPERTIES

Agenda Item #17

RE: Approval of Contract CNF2009-1 for Utility Abandonment, Asbestos Abatement and Demolition of Various Properties to be awarded to Niagara Frontier Services at the base bid of $243,025

The following bids were received by the Department of Community Development on July 7, 2009 for the demolition of seventeen (17) structures identified on the attached list.

CONTRACTOR	BID AMOUNT
Niagara Frontier Services	$243,025
Regional Environmental Demolition	$288,228
C&R Housing	$332,945
Metro Contracting & Environmental	$350,211
Cambria Contracting, Inc.	$399,967
National Vacuum	$411,340
Mark Cerrone Inc.	$428,398
Yarussi Construction, Inc.	$468,000

It is our recommendation that a contract be awarded to the low bidder, Niagara Frontier Services at their base bid amount of $243,025. Funding is available in Budget Code: HO910.2009.0910.0449.599

Will the Council vote to award contract CNF2009-1 to Niagara Frontier Services, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

Agenda Item #18

RE: Approval of additional funds up to $12,000 in Casino Revenues for the Ezekiel Project

As City Council is aware, the Ezekiel Project was previously funded with both Community Development Block Grant Funds ($50,000), and Casino Revenues ($110,000). Community Development funds were utilized for acquisition and Casino revenues were used for renovation costs. This project has been a slow and arduous process, with several issues arising during the renovation process that slowed progress. Although the project is 95% complete, all work has ceased since the departure of Pastor Bill Loefke.

The Zion Lutheran Church Council approached our Department several months ago with their concerns regarding the project; specifically with contractual obligations and unpaid taxes incurred without their knowledge by their project manager. Ultimately, Zion Lutheran expressed to us that they had neither the funding nor the desire to continue with the project. At that point we attempted to salvage the project by finding another non-profit agency willing to take title to the property, assume a portion of the outstanding liabilities and operate the facility in a manner consistent with CD eligibility requirements.

We have been working closely with HANCI for the past several months once we learned they were going to continue the programs formerly offered by the Center for Joy at a new location. HANCI will additionally offer the All Stars Reading Program for at risk students from Abate school at the site. We negotiated a proposed settlement with the contractors that were unpaid for 75% of their contract value. Please note, these unpaid balances were associated with work authorized by the Ezekiel project manger, not by the City. We have a full accounting of all amounts paid and balances due with CDBG funds and with Casino Revenues

Therefore, in order to protect the investment of City funds already expended and to allow for a viable community based project to operate from this facility, we are recommending that Council authorize additional Casino Revenues to satisfy unpaid contract balances. To date, the total amount owed to satisfy Zion Lutheran contract indebtedness is $18,854.25. We estimate that there will be a balance of $8,221.16 from the original $110,000 that can be applied against the $18,854.25. Therefore, $10,633.09 in additional Casino revenue is needed to secure lien releases. HANCI has agreed to pay the delinquent property taxes in the approximate amount of $16,000 as a condition of taking title to the property and Zion Lutheran Church has agreed to transfer tile to the subject property subject to those conditions.

Will Council vote to so approve the use of up to $12,000.00 in Casino Revenues to satisfy project indebtedness and to establish a project contingency for unforeseen costs?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: PINTO CONSTRUCTION SERVICES, INC., STEPHENSON AVENUE PARK

Agenda Item #19

RE: Approval of Letter of Award for Roller Skating Facility and Park Improvements at Stephenson Avenue Park to Pinto Construction, Inc at the base bid of $62,655

The following was the result of bids received on July 7, 2009, for the above referenced project:

CONTRACTOR	BASE BID	ALTERNATE #1
Pinto Construction Services Inc. 1 Babcock Street Buffalo NY 14210	$62,655.00	$ 27,340.95
Scott Lawn Yard	$62,685.00	$ 21,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Pinto Construction, Inc., at their Base Bid of $65,655.00. Funding is available in Code H0622.2006.0622.0449.599.

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

Yeas 5
Nays 0
APPROVED

FEDERAL RAILROAD ADMINISTRATION; GRANT APPLICATION

Agenda Item #20

RE: Approval of the execution of a Memorandum of Understanding in order to allow the NYSDOT to submit a grant application for the International Rail Station

The Federal Railroad Administration ("FRA") will be making available federal grants for maintaining and improving rail transportation service. New York State has developed a state rail plan which meets the requirements of the American Recovery and Reinvestment Act of 2009 ("ARA"). The New York State Department of Transportation is submitting grant applications pursuant to the requirements of the ARRA. The City's project for the International Rail Station/Intermodal Transportation Center Development is a qualifying project.

Will the Council authorize the execution of a Memorandum of Understanding in order to allow the NYSDOT to submit a grant application?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: GERSTER TRANE; EARL W. BRYDGES LIBRARY

Agenda Item #21

RE: Approval of Letter of Award for repair of Chiller System at Earl W. Brydges Library to Gerster Trane at the Base Bid of $17,500

The following was the result of bids received on July 13, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
Gerster Trane 45 Earhart Drive Buffalo NY 14221	$ 17,500.00
Carrier Corporation	$ 27,400.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Gerster Trane, at their Base Bid of $17,500.00. Funding is available in Code H0904.2004.0904.0443.000

Council Member Fournier 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 Robins adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci
City Clerk

The first session of the July 27, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Charles A. Walker - 4.
Absent: Council Member Sam Fruscione – 1.

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

Council Member Walker moved to approve the Minutes from the City Council Meeting of June 29, 2009.

Yeas	4
Nays	0
	APPROVED

Mike Leydecker of Wendel Duchscherer Consultants gave a presentation on the Lewiston Road Project.

In his Administrative Update, Mayor Paul Dyster reported that the 93rd Street Bridge is open, and also spoke on the New York Power Authority energy audit of City facilities.

City Engineer Ali Marzban addressed the following with the Mayor:

1. Work has started on the tennis courts.
2. A public stakeholders group has been formed to work with the Engineering Department to make suggestions for the basketball courts at Abate. City Controller Maria Brown reminded the Council Members that funding must be appropriated for the project.
3. The City is working on a grant application with USA Niagara to fund repairs to the Parking Ramp, and the Power Authority has included the Mall and Ramp in the energy audit. Mrs. Brown noted that parking revenues are up, and Mayor Dyster added that changes have been made in collecting parking revenues by having event specific numbered tickets and collecting as cars enter the Ramp rather than as they are leaving.
4. The integrity of the front stairs at City Hall is questionable, and the Power Authority energy audit included the transformer located under the stairs. A grant to repair the stairs will be looked into, and Council Member Walker suggested that a sign be posted directing visitors to the other entrances to City Hall.

Council Member Anderson noted that the grass along the Robert Moses Parkway and the LaSalle Expressway needs to be cut and the areas maintained, and the Mayor responded that the DOT will be contacted. Also, Public Works Director David Kinney said that the contract for Stephenson Avenue Park improvements has been awarded, and the work should be done within 25 days.

Council Member Walker asked the Mayor about the status of the City Engineer's certification, and the Mayor responded that New York State has a grace period of 6 months or more for certification to be obtained, all the necessary paperwork has been completed, Mr. Marzban has applied to reactivate his Texas license, and the City has used consultant services when a licensed Engineer was required, so there have been no repercussions to the City.

Chairman Robins said that the Council will need to hold a Special Meeting during the August recess to act on use of Stimulus Funding.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of six Items to be added to the Agenda:

1. A communication relative to a contract for utility abandonment, asbestos abatement and demolition of various properties.

Council Member Walker 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 #34.

2. A Resolution relative to honoring the Pine Avenue Business Association's 2009 Special Citizens.

Council Member Walker moved to add the Resolution to the Agenda.

Yeas 4
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #35.

3. A communication relative to a change order for the West Mall Project.

Council Member Walker 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 #36.

4. A communication relative to a patio encroachment on Old Falls Street.

Council Member Walker 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 #37.

5. A Resolution relative to amending the Plumbing Code.

Council Member Fournier moved to add the Resolution to the Agenda.

Yeas 4
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #38.

6. A Resolution relative to amending the Electrical Code.

Council Member Fournier moved to add the Resolution to the Agenda.

Yeas 4
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #39.

Council Member Walker questioned the change order for the West Mall Project (Agenda Item #36), and Mr. O'Donnell and Mr. Marzban responded.

Chairman Robins spoke on establishing guidelines for funding requests for Festivals.

Council Member Walker made a motion for an Executive Session to discuss personnel, and his motion was unanimously approved. The Executive Session began at 5:05 PM, and ended at 5:30 with the motion of Council Member Fournier, which was unanimously approved.

This Session ended at 5:30 PM

Chairman Robins reconvened the Meeting at 7:02 p.m. in the Council Chambers with Council Members Anderson, Fournier, Walker and Robins present. Council Member Fruscione was absent. The prayer was said by Council Chairman Robins 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	Festival's Funding
Nicholas D'Agostino	Agenda Item #3,12,15,16
Norma Higgs	Agenda Item #3,9,16
Paul Gromosiak	Old Stone Chimney
Ron Anderluh	Gill Creek Park lighting and flag poles, Road Repairs, Blight Conditions at 1942 Welch Ave
Nicholas D'Agostino	Boys & Girls Club Funding, sidewalk repair in Niagara St Area, Gill Creek Park
Elliott White	NTCC Issues

The following was RECEIVED AND FILED:

Agenda Item #1
City Clerk's Report for June, 2009.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

INSPECTION DEPARTMENT; STIPEND FOR SENIOR BUILDING/HOUSING INSPECTOR

Agenda Item #2

RE: Approval of Stipend for Senior Building/Housing Inspector

Effective July 17, 2009, I assigned the duties and responsibilities of Acting Building Commissioner for the City of Niagara Falls to Dennis Virtuoso, Sr. Building/Housing Inspector, and rescinded same for the Construction Plan Review Specialist/Zoning Officer, Guy A. Bax.

It is requested that Council approve the annual $8,000 stipend for the Sr. Building/Housing Inspector to compensate for the additional duties and responsibilities. The stipend will be prorated for the balance of this year. Funding is available in the Inspections Department bi-weekly salary line A3620.0000.0110.000.

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

Yeas	4
Nays	0

APPROVED

CONTRACT: Empire Emergency Apparatus; 1500 GPM PUMPER TRUCK

Agenda Item #3

RE: Approval of Bid #19-09 to Empire Emergency Apparatus, Inc for a 1500 GPM Pumper truck in the amount of $302,338

At its meeting of May 18, 2009, the Council awarded the above referenced bid to Empire Emergency Apparatus, Inc. As part of the specifications the City indicated that an additional vehicle may be purchased under the same terms, conditions and specifications within the one-year warrantee period. We would like to exercise that option.

Therefore, we respectfully request you authorize the purchase of the following:

TO: Empire Emergency Apparatus, Inc.
3995 Lockport Road
Niagara Falls, NY 14305

FOR: One (1) 1500 GPM pumper: $302,338

A request for Council approval of funding for this expenditure appears as a separate item on the agenda.

Council Member Fournier moved to amend the communication by changing the amount.

Yeas 4
Nays 0
AMENDED

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

Yeas 4
Nays 0
APPROVED

CONTRACT: SNOWFIGHTING EQUIPMENT & CONSULTANTS OF BUFFALO, INC; LEAF COLLECTOR/BRUSH CHIPPER BODY

Agenda Item #4

RE: Approval of Bid #32-09 to Snowfighting Equipment & Consultants of Buffalo, Inc. for Leaf Collector/Brush Chipper body in the amount of $42,430

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

TO: Snowfighting Equipment & Consultants of Buffalo, Inc.
PO Box 126 South Side Station
Buffalo, NY 14220-0126

FOR: One (1) 25 cubic yard combination leaf collector and brush chipper collection body with hook lift under-frame: $42,430.00

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 Four (4) companies. The above referenced company submitted the only bid.

Funds for this expenditure are available in the 2008 Capital code: H0912.2009.0912.0250.000.

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

Yeas 4
Nays 0
APPROVED

CONTRACT: LAFARGE NORTH AMERICA; CONCRETE

Agenda Item #5
RE: Approval of Bid #33-09 to LaFarge North America for Concrete
We respectfully request you award the above references bid as follows:
TO: LaFarge North America
75 Pineview Drive
Suite 100
Amherst, NY 14228
FOR: Concrete 3500 PSI, ASTM size 7: $97.00/c.y.
Concrete 3500 PSI, ASTM size 67: 97.00/c.y.
Concrete 4000 PSI ASTM size 7: 98.50/c.y.
Plus additional charges as shown on the attached tally sheet.
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 two (2) vendors. Two bids were received. The above referenced company submitted the lowest prices for each respective item.
Funds for these expenditures are available in various departments Construction/Repair Materials code: .0419.006.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

CONTRACT: ODB; STREET SWEEPER PARTS

Agenda Item #6
RE: Approval of Bid #34-09 to ODB for Street Sweeper Parts
We respectfully request you award the above reference bid as follows:
TO: ODB
5118 Glen Alden Drive
Richmond, VA 23231
FOR: Item 1 - 13 per the attached tally sheet.
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 five (5) vendors. Three (3) bids were received. The above referenced company submitted the overall lowest bid.
Funds for this expenditure are available in the Department of Parks & Public Works, Street Cleaning code: A8170.0000.0419.005
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

LASALLE BLUES FESTIVAL 2009

Agenda Item #7
RE: Approval for LaSalle Blues Festival 2009
It is proposed that the City once again help sponsor the LaSalle Blues Festival 2009. The festival will occur at a time and date to be determined. Funding in the amount of $4,000 will come from the Tourism Fund balance.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

TABLES AND CHAIRS

Agenda Item #8

RE: Approval of the purchase of Lightweight Tables and Chairs in the amount of $6,000.

The City is in need of purchasing portable, lightweight tables and chairs for use at various events. It is proposed that the City purchase 100 chairs, 20 tables, 1 table caddy and 2 table and chair caddy. The estimated cost is $6,000. Funding is available through Casino interest.

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

Yeas	4
Nays	0

APPROVED

FIRE DEPARTMENT; ROYAL AVENUE FIRE HALL, FURNITURE

Agenda Item #9

RE: Approval of Appropriation of Casino Funds in the amount of $3,100 for replacement furniture at the Royal Avenue Fire Hall

It is requested that $3100 of 2007 Casino funds be appropriated to account A1620.2320.0210.000 to allow for the replacement of furniture at the Royal Avenue Fire Hall.

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

Yeas	4
Nays	0

APPROVED

EMPIRE STATE DEVELOPMENT CORPORATION; VARIOUS PROPERTIES

Agenda Item #10

RE: Approval of acceptance of offers of advance payments for properties in the Fourth and Fifth Street Area

1. Condemnation of Fourth Street, Between Niagara Street and Wendel Way,
Niagara Falls, NY

2. Condemnation of the Alleys between Fourth and Fifth Streets, Niagara Falls, NY

3. Condemnation of the Southeast Corner of Duggan Drive and Fourth Street,
Niagara Falls, NY (part of S-B-L #159.09-2-13.1)

4. Condemnation of Fifth Street, Niagara Falls, NY

5. Condemnation of Fourth Street, Between Duggan Drive and Rainbow Boulevard, Niagara Falls, NY

The New York State Urban Development Corporation d/b/a Empire State Development Corporation commence the condemnation and the taking by eminent domain of the City's interest in the above-referenced five parcels of real property. The public hearing concerning these acquisitions was held in July of 2005. Following that hearing, the Empire State Development Corporation accepted additional comments and in November of 2005, published its findings on the proposed takings and the public purpose for them.

At this point, the Empire State Development Corporation has made offers on each parcel. Those offers are as follows:

1. Condemnation of Fourth Street, between Duggan Drive and Rainbow Boulevard, Niagara Falls, NY - $561,000;

2. Condemnation of Fourth Street, between Niagara Street and Wendel Way, Niagara Falls, NY - $311,000;

3. Condemnation of the alleys between Fourth and Fifth Streets, Niagara Falls, NY - $46,000;

4. Condemnation of Southeast corner of Duggan Drive and Fourth Street, Niagara Falls, NY (part of S-B-L #159.09-2-13.1) - $18,000;

5. Condemnation of Fifth Street, Niagara Falls, NY - $431,000.

The City may either accept the above-mentioned offers as payment in full for the value of each parcel of property or reject the offer as payment in full and instead elect to accept the offer as an advance payment, which election shall in no way prejudice the City's right to claim additional compensation.

It is recommended that the City reject each offer as payment in full and elect to accept these offers as an advance payment, which election will in no way prejudice the City's right to claim additional compensation.

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

Yeas	4
Nays	0
	APPROVED

ONTARIO HOUSE JAZZ REUNION

Agenda Item #11

RE: Approval of funding in the amount of up to $15,000 for the Ontario House Jazz Reunion

The City is once again the co-sponsor of the 4th Annual Ontario House Jazz Reunion. This event will take place on September 5, 2009 at the corner of Main Street and Ontario Street. The City has been asked for a sum of up to $15,000 to help fund this event. Funding is available through Tourism Fund balance.

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

Yeas	4
Nays	0
	APPROVED

NIAGARA FALLS BUSINESS ASSOCIATION; VARIOUS ACTIVITIES

Agenda Item #12

RE: Approval of funding in the amount of $5,000 to Niagara Falls Business Association to promote Downtown Niagara Falls

The Downtown Niagara Falls Business Association Inc. is requesting that the City assist it in its various activities to promote downtown Niagara Falls, New York. Among the activities it sponsors are a golf tournament and a 5K run. The request is City funding in the amount of $5,000. Funding is available through the Tourism fund balance.

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

Yeas 4
Nays 0

APPROVED

HARD ROCK CAFÉ CONCERT SERIES

Agenda Item #13

RE: Approval of funding in the amount of $40,000 for the Hard Rock Café Concert Series

As part of the Hard Rock Café International (USA), Inc. concert series, the City will be co-sponsoring the concert to occur on August 22, 2009 at the West Mall – Old Falls Street location. The featured performer will be "Rusted Root & Vertical Horizon". The City will be contributing the sum of $40,000 for this event. Funding is available with 2008 Casino funds.

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

Yeas 4
Nays 0

APPROVED

5815 BUFFALO AVENUE; EXTENSION

Agenda Item #14

RE: Approval of Extension to December 11, 2009 for issuance of Building Permits for 5815 Buffalo Avenue

The City contracted to sell the above-referenced property, which is surplus land next to the Water Treatment Plant. The contract provides for the construction of at least 8 apartment units on the site, with up to 52 units allowed.

The developers have obtained site plan approval and applied for the building permits, as required by the contract. We have been working with the developer on a new proposal for construction of a hotel on the site. A local hotelier with ability and experience is involved in the new discussions. We feel that construction of a new hotel is both more appropriate and more desirable use of the site.

The current contract requires issuance of the building permits by September 11, 2009. The issuance of the building permits requires approval of the construction plans and conveyance of the property by the City to the developer. While those actions would not prohibit the hotel project, we would like to maintain control of the site to remain involved in the project.

We propose a three-month extension, to December 11, 2009, for issuance of the building permits, with all time periods in the contract also extended. During that time, we will either come back to Council to amend the contract and convert this transaction to allow for construction of the hotel, or we will require the commencement of construction of the apartment units. Conversion of the contract for hotel construction will entail new timelines to address the new site plan approval, zoning issues, etc. Construction would start next year

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

Yeas 4
Nays 0

APPROVED

YOUTH BOARD CONTRACTS; VARIOUS ENTITIES

Agenda Item #15

RE: Approval of Youth Board Contracts with Salvation Army, Niagara Falls Boys and Girls Club, Reporting Center for Boys and the Francis Center

The City's Youth Board enters into funding contracts with various entities. The City is reimbursed with the funding of these Agreements by the State of New York.

The proposed Agreements for 2009 are as follows:

1. Salvation Army $4,205.
2. Niagara Falls Boys and Girls Club $7,786.
3. Reporting Center for Boys $2,000.
4. Francis Center $2,075.

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

Yeas 4
Nays 0
APPROVED

FIRE DEPARTMENT; FUNDING; PUMPER TRUCK

Agenda Item #16

RE: Approval of Appropriation of Casino Funds for Fire Department Pumper Truck in the amount of $302,338

Elsewhere on your agenda is an item awarding a bid for a pumper truck for the Fire Department. It is recommended that the Council appropriate the sum of $298,495 for the cost of the pumper from 2007 Casino Funds.

Council Member Fournier moved to amend the communication by changing the amount.

Yeas 4
Nays 0
APPROVED

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

Yeas 4
Nays 0
APPROVED

BROWNFIELD TESTING; TVGA CONSULTANTS

Agenda Item #17

RE: Approval of Change Order No. 2 in the amount of $13,478 plus Associated Administrative fees for the Highland Area Site A and Site B Brownfield Testing

TVGA Consultants was accepted as the low bidder to conduct Environmental Phase I and Phase II site investigations for eight (8) parcels known as Site A and Site B in the Highland Area under the City of Niagara Falls USEPA Brownfield Pilot program. TVGA completed the Phase I investigations. Subsequently, it was determined that additional site investigation was recommended based on Phase I findings.

Whereupon the USEPA requested that TVGA amend the Phase II Work Plan. USEPA required amendments greatly increased the scope of Phase II testing required for the parcels. An additional $23,397.27 was required to complete this work at that time, which Council approved October 2003. The USEPA approved the Work Plan in the spring of 2004.

However, site investigations were put on hold by the USEPA due to funding rescissions at the federal level prior to the start of Phase II investigations. With the funding issues are now resolved, the investigations are authorized to proceed, but due to the long duration of time between approval of the Work Plan, costs have increased accordingly.

The Office of Planning & Environmental Services concurs with the need to execute the additional stages of environmental investigation and recommends for additional funds to cover legitimate cost increases for the additional testing. TVGA has performed the Phase I work in a satisfactory manner and remains under contract. Hiring a new consultant would require duplication of the services already provided by TVGA. Therefore, it is also recommended that this "Change Order No. 2" be approved, to increase the contract by $13,478.00 plus associated administrative fees, for completion of the approved Environmental Phase II Testing Work Plan at the above-referenced sites.

Funds to cover these additional costs are available through EPA Grant S.8989.3067.0449.599.

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

Yeas	4
Nays	0
	APPROVED

NIAGARA FESTIVAL AND ENTERTAINMENT GROUP

Agenda Item #18

RE: Approval of $16,000 contribution for the Niagara Festival and Entertainment Group to be funded from Tourism Fund and 2007 Casino Funds

The NIAGARA FESTIVAL & ENTERTAINMENT GROUP is once again proposing to sponsor and coordinate the second annual Niagara Falls Blues Festival 2009 to be held on September 11 and September 12, 2009. The location of the event will be Old Falls Street/Wintergarden area. The Niagara Festival & Entertainment Group is asking that the City contribute the amount of $16,000 for this event. Funding is available from 2009 Tourism Fund ($10,000) and 2007 Casino Funds ($6,000).

Council Member Fournier moved to remove the communication from the table

Yeas	4
Nays	0
	MOTION TO REMOVE FROM TABLE APPROVED

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

Yeas	4
Nays	0
	APPROVED

CONTRACT: ARMAND CERRONE, INC., PINE AVENUE RESURFACING AND ROADWAY

Agenda Item #19

RE: Approval of Letter of Award to Armand Cerrone, Inc. in the amount of $564,780 for Pine Avenue Resurfacing and Roadway improvements from Hyde park Boulevard to Walnut Avenue

The following was the result of bids received on July 21, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
Armand Cerrone, Inc. 4625 Witmer Road Niagara Falls, NY 14305	$ 564,780.00
Yarussi Construction Inc.	$ 568,320.00
Accadia Site Contracting Inc.	$ 571,465.00
Mark Cerrone, Inc.	$ 599,918.00
Man O'Trees	$ 723,000.00

It is the recommendation of the undersigned that this project be awarded to Armand Cerrone, Inc. at its Base Bid of $564,780.00. Funding is available through bond fund which is requested elsewhere on this agenda.

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

Yeas 4
Nays 0

APPROVED

CONTRACT: CIR ELECTRICAL CO. INC; HYDE PARK ICE PAVILION

Agenda Item #20

RE: Approval of Letter of Award to CIR Electrical Co, Inc., at the base bid of $4,800 for installation of Electric Sub-metering at the Hyde Park Ice Pavilion

The following was the result of bids received on July 20, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
CIR Electrical Co. Inc. 400 Ingham Ave. Buffalo NY 14218	$ 4,800.00
O'Connell Electric	$ 5,876.00
M&M Electric	$ 6,900.00
Frey Electric	$ 9,525.00

It is the recommendation of the undersigned that this project be awarded to CIR Electrical Co., Inc. at its Base Bid of $4,800.00. Funding is available through funding code H0819.2008.0819.0449.599.

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

Yeas 4
Nays 0

APPROVED

INSPECTIONS: TEMPORARY HELP

Agenda Item #21

RE: Approval of funding for Temporary Help for the Inspections Department

In order to adequately staff the Inspections Department while three members of the Department are on administrative leave, it is requested that the Council approve a temporary restructuring of the Inspections Department as follows:

1. Create one (1) temporary position of Plumbing Inspector (Grade 22);
2. Create one (1) temporary position of Electrical Inspector (Grade 22);
3. Reclassify one (1) Building/Housing Inspector to the temporary position of Building/Housing and Sign/Zoning Inspector (Grade 19);
4. Increase the bi-weekly salary line for one (1) part time Building/Housing Inspector to $30,000.

The estimated cost of not more than $70,000., which would cover through the balance of 2009, is available in fund balance.

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

Yeas 4
Nays 0
APPROVED

CONTRACT: J.R. SWANSON PLUMBING CO.INC; HYDE PARK ICE PAVILION

Agenda Item #22

RE: Approval of Letter of Award to J.R. Swanson Plumbing Co. Inc, in the amount of $17,000 for Water Sub-metering at the Hyde Park Ice Pavilion

The following was the result of bids received on July 20, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
J.R. Swanson Plumbing Co. Inc. 413 103rd Street Niagara Falls NY 14304	$ 17,000.00

It is the recommendation of the undersigned that this project be awarded to the lone bidder, J.R. Swanson Plumbing Company, Inc. at its Base Bid of $17,000.00. Funding is available through funding code H0819.2008.0819.0449.599.

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

Yeas 4
Nays 0
APPROVED

CLAIM: ELIZABETH A. SHERRY

Agenda Item #23
RE: Approval to Settle and Pay Claim of Elizabeth A. Sherry in the amount of $163.24
Request for Approval to Settle and Pay Claim of Elizabeth A. Sherry
3324 D Street, Niagara Falls, NY

Date Claim Filed:	April 9, 2009
Date Action Commenced:	N/A
Date of Occurrence:	January 28, 2009
Location:	3324 D Street, Niagara Falls, New York
Nature of Claim:	Fence damage sustained from snow plow.
City Driver:	William J. Whitmire
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$163.24
Make Check Payable to:	Elizabeth A. Sherry
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.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

The following was RECEIVED AND FILED:

Agenda Item #24
RE: Notice of Mayor's approval of Resolution 2009-61

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

The following was RECEIVED AND FILED:

Agenda Item #25
RE: Denial of request for All-Way stop signs at LaSalle Avenue & 22nd St. and request to Install "No Standing Anytime" Restriction between the driveway at 743 Clifton Avenue and the alley

2402 WHITNEY AVENUE: HANDICAPPED ACCESS SPACE

Agenda Item #26
RE: Approval to install a 5' Handicapped Access Space in front of 2402 Whitney Avenue
At the Traffic Advisory Commission meeting held on July 8, 2009, the Commission recommended **APPROVAL** of the following item:
INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2402 WHITNEY AVENUE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Billie Lee Hogan, 2402 Whitney Avenue
It is requested that City Council approve this recommendation.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

1818 MAIN STREET; LOADING ZONE

Agenda Item #27

RE: Approval to install a 21' Loading Zone in from of 1818 Main Street

At a Traffic Advisory Commission meeting held on July 8, 2009, the Commission recommended **APPROVAL** of the following item:

INSTALL A 21' LOADING ZONE (8AM – 5PM) IN FRONT OF 1818 MAIN STREET

Request was made to facilitate a place for clientele to have in and out service in front of 1818 Main Street.

Submitted By: Alim Khan, Program Coordinator, Community Missions, Inc., 1818 Main Street

It is requested that City Council approve this recommendation.

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

Yeas 4
Nays 0
APPROVED

7718 BUFFALO AVENUE; LOADING ZONE

Agenda Item #28

RE: Approval to install a 23' Loading Zone in front of 7718 Buffalo Avenue

At a Traffic Advisory Commission meeting held on July 8, 2009, the Commission recommended **APPROVAL** of the following item:

INSTALL A 23' LOADING ZONE (9AM – 5PM) IN FRONT OF 7718 BUFFALO AVENUE

Request was made to facilitate client access in front of 7718 Buffalo Avenue.

Submitted By: Annette Perez, Agent, State Farm Insurance/Annette Perez Agency Inc., 7718 Buffalo Avenue

It is requested that City Council approve this recommendation.

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

Yeas 4
Nays 0
APPROVED

MAIN STREET; MUNICIPAL BUILDING

Agenda Item #29

RE: Approval to install "No Standing Anytime" Restriction of Main Street, East Side, Between Cleveland Avenue, South Side, Between Main Street & the Rear Parking Lot Exit

At a Traffic Advisory Commission meeting held on July 8, 2009, the Commission recommended **APPROVAL** of the following item:

INSTALL "NO STANDING ANYTIME" RESTRICTION ON MAIN STREET, EAST SIDE, BETWEEN CLEVELAND AVENUE & SOUTH AVENUE; AND CLEVELAND AVENUE, SOUTH SIDE, BETWEEN MAIN STREET & THE REAR PARKING LOT EXIT (IN FRONT OF AND ALONGSIDE OF THE NEW MUNICIPAL BUILDING, 1925 MAIN STREET)

Request was made for safety and security at the new Municipal Building.

Submitted By: John Chella, Superintendent of Police

It is requested that City Council approve this recommendation.

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

Yeas 4
Nays 0
APPROVED

1706 WILLOW AVENUE; AUTISTIC CHILD AREA

Agenda Item #30
RE: Approval to install an "Autistic Child Area" Sign in Advance of 1706 Willow Avenue
At a Traffic Advisory Commission meeting held on July 8, 2009, the Commission recommended **APPROVAL** of the following item:
INSTALL AN "AUTISTIC CHILD AREA" SIGN IN ADVANCE OF 1706 WILLOW AVENUE
Request was made to provide warning to approaching motorists to drive with caution due to a child with severe autism and mental retardation living in the area.
Submitted By: Karen Holt, Medicaid Service Coordinator, Summit Educational Resources, on behalf of Crystal Torres, Parent of Frank Torres, 1706 Willow Avenue
It is requested that City Council approve this recommendation.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

RESOLUTION: APPLICATION FOR STATE AID, 2009-62

Agenda Item #31
Relative to Authorization for Project Application for State Aid for Recreation and Youth Services
BY: All Council Members
BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby authorizes the application for funds as set forth on the attached (ON FILE IN CITY CLERK'S OFFICE) Project Application/Resolution Certification Form.

Yeas	4
Nays	0
	ADOPTED

BOND RESOLUTION: RECONSTRUCTION OF ROADS, 2009-63

Agenda Item #32
A Resolution Authorizing the issuance of $3,010,000 Bonds of the City of Niagara Falls, Niagara County, New York, to pay the cost of the Reconstruction of Roads, in and for said City.
BY: All Council Members
RESOLVED by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Niagara Falls, Niagara County, New York, as follows:
Section 1. For the purpose of paying the cost of the reconstruction of roads, in and for said City, consisting of Pine Avenue, 72nd Street and 10th Street, in and for the City of Niagara Falls, Niagara County, New York, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights-of-way, as well as other incidental improvements and expenses in connection therewith, there are hereby authorized to be issued $3,010,000 bonds of said City pursuant to the provisions of the Local Finance Law.
Section 2. It is hereby determined that the maximum estimated cost of the aforesaid object or purpose is $3,010,000, which is hereby authorized.
Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen (15) years, pursuant to subdivision 20(c) of paragraph (a) of Section 11.00 of the Local Finance Law.
Section 4. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Controller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Controller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Controller, the chief fiscal officer of such City. Such bonds shall contain substantially 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 52.00 of the Local Finance Law, as the City Controller shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes 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 bond 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.

Yeas	4
Nays	0

ADOPTED

RESOLUTION: DOBBS, PASTOR KEVIN, 2009-64

Agenda Item #33

Relative to Honoring Pastor Kevin Dobbs

BY: All Council Members

Whereas, the Rev. Kevin Dobbs, son of Lucinda B. Dobbs and the late James H. Dobbs was born and raised in the City of Niagara Falls, New York; and

Whereas, he grew up working with the Youth Patrol for the City of Niagara Falls, working along with the Niagara Falls Police Department. He was a former employee of the Carborundum Company and later retired from Occcidental Chemical Corporation as the first African American Process Supervisor in the Alkai Department; and

Whereas, Pastor Dobbs is presently a member of the Niagara Falls Board of Education and has served the school district for the past 13 years. He also serves on the Niagara Falls Housing Authority Board, the board of Heart, Love and Soul, and the Niagara County Industrial Development Agency; and

Whereas, Pastor Dobbs has strong ties to the Community and has received numerous awards. In 1999, he walked out on faith and began the ministry of Christ Redemption Tabernacle Church which he humbly started in his home with 6 members with a weekly Bible Study. After holding services in the Niagara Community Center and the Days Inn at the Falls, and under Pastor Dobbs leadership, they purchased a beautiful church located at 2002 Forest Avenue in Niagara Falls in which they burned their mortgage in November of 2008.

Therefore, we the Niagara Falls City Council recognize in Pastor Dobbs as a great leader worthy of our honor and appreciation in making Niagara Falls a better place for all to live and worship. We congratulate him and his congregation on their 10th Anniversary.

Yeas	4
Nays	0
	ADOPTED

THE FOLLOWING WAS SUBMITTED BY THE MAYOR

CONTRACT: NATIONAL VACUUM CORP; VARIOUS PROPERTIES

Agenda Item #34

RE: Approval of Contract CD2009-1 with National Vacuum Corp. for Utility Abandonment, Asbestos Abatement and Demolition of Various Properties at at base bid of $258,140

The following bids were received by the Department of Community Development on July 16, 2009 for the demolition of seventeen (17) structures identified on the attached list.

CONTRACTOR	**BID AMOUNT**
National Vacuum Corp.	$258,140
Regional Environmental Demolition	$269,200
Metro Contracting & Environmental	$301,553
Niagara Environmental & Wrecking	$321,830
Epic Contracting	$379,700
Mark Cerrone Inc.	$382,864
C&R Housing	$423,572

It is our recommendation that a contract be awarded to the low bidder, National Vacuum Corp. at their base bid amount of $258,140. Funding is available in Budget Code: CDR199

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

Yeas	4
Nays	0
	APPROVED

RESOLUTION: PINE AVENUE BUSINESS ASSOCIATION, 2009-65

Agenda Item #35

Relative to Honoring the Pine Avenue Business Association's 2009 Special Citizens of Pine Avenue

BY: All Council Members

WHEREAS, on Saturday, August 1st and Sunday, August 2nd , 2009, the Pine Avenue Business Association will hold their Annual Italian Festival; and

WHEREAS, during the festival, PABA will honor seven individuals of Italian decent between the ages of 75 and 91 who have lived and/or worked the majority of their lives in the Pine Avenue business area or neighborhood. These "Cittadini Speciali" or Special Citizens of Pine Avenue were instrumental in making Pine Avenue a vibrant and viable business district; and

WHEREAS, the following Special Citizens will be honored:

Angelica DiCamillo
Julie J. Grana
Pasquale Crugnale
Francis M. Ruggiero
Joseph Onesi
Vincent A. Spadorcia

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the above-named Special Citizens as PABA's "Cittadini Speciali" for 2009.

Yeas	4
Nays	0

ADOPTED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: MARK CERRONE INC, WEST MALL PROJECT

Agenda Item #36

RE: Approval of Change Order #2 to Mark Cerrone Inc, for the West Mall Project in the amount of $75,798.09

A contract for the above referenced project was awarded to Mark Cerrone Inc. on _____ in the Amount of $4,376,043.00.

Subsequent to the start of work, conditions within the work area as well as unanticipated private utility alterations necessitated changes in this project's scope. The tasks listed below were either not included or are addition to the original contract, but were added by the City and USA Niagara as conditions warranted.

- Additional work / materials associated with Hydrant Installation (outside of NFWB responsibility) $838.13
- Additional Traps for catch basins $1,124.00
- Temporary Lighting (through winter months) $14,598.95
- Epoxy based primer /paint system for refurbishment of existing light Poles $1,606.00
- Electrical vault modifications adjacent to Wintergarden $3,213.00
- New frame and grate cover $300.00
- Removal of abandoned gas line pipe (1970's) @ $3.00/ ft. $1,500.00
- Repair to 10" waterline adjacent to State Park entrance on Prospect St. $4,379.17
- HS20 rated hatches for access to exterior fountain vaults $ 1,454.00
- Installation of steel Dowels at each new crosswalk crossing @ Prospect St. $ 1,848.17
- Pad mounted traffic controller as per NYSDOT recommendations $ 3,312.32
- Water service reestablish at Balloon Ride trailer $ 4,296.83
- Trench drain modification welded supports $14,806.77
- Contractual bonus for substantial completion $20,000.00
- Keys for the Wintergarden $393.01
- Stamped concrete replacement on Prospect St. $749.70
- Utility service abandonment @ station 12+00 $1,162.39
- Grass restoration at State Park / Prospect St. $558.00

The second portion of this change order is a no cost change request for additional time allotment for Phase I completion date, due to National Grid conflicts and utility work. This extends the existing Phase I Contract to a completion date of July 14, 2009.

It is the recommendation of the undersigned that Change Order #2 be approved in the amount of $ 76,140.44, bringing the new contract total to $4,452,183.40

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

Yeas 4
Nays 0

APPROVED

PATIO ENCROACHMENT; OLD FALLS STREET

Agenda Item #37

RE: Approval of Patio Encroachment on Old Falls Street at the Crown Plaza Hotel

The operator of the Crown Plaza Hotel has requested permission to install a patio which would encroach into the right of way of Old Falls Street.

This has been reviewed by the appropriate City Departments and the Planning Board which recommend its approval with the following conditions.

1. Revocable on sixty days written notice by the City;
2. No permanent changes would be made to Old Falls Street;
3. The hotel agrees to defend and indemnify the City from any and all liability arising from the use of the encroachment and for the hotel to name the City as additional insured on its commercial general liability policy for this encroachment.

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

Yeas 4
Nays 0
APPROVED

RESOLUTION: PLUMBING CODE, 2009-66

Agenda Item #38

Relative to Amending Chapter 1111 of the Codified Ordinances entitled "Plumbing Code"

BY: Council Chairman Robins

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1111 of the Codified Ordinances entitled APlumbing Code@ is hereby amended by amending Sections 1111.03 and 1111.10 to read as follows:

1111.03 PERMITS

• • •

(e) Validity of the Permit. A permit shall not be valid until the application has been approved by the Chief Plumbing Inspector **or a City Code Enforcement Officer** and countersigned by the Director of Inspections **or a licensed Professional Engineer**.

• • •

1111.10 REGISTRATION AND LICENSING OF MASTER PLUMBERS.

• • •

(c) Applications.

(1) Applications shall be advertised at least once each year at the discretion of the Board.

(2) Applications from qualified candidates for examinations shall be filed with the Clerk of the Board **[at least 60 days]** prior to the examination. Each application shall be accompanied by the appropriate fee. This application fee is nonrefundable.

(3) The Clerk shall present said application at the next regular meeting of the Board. At this time the Board shall review the application and shall determine the qualifications of the applicant to sit for the examination. Notice of the Board's action shall be sent to the applicant within 30 days of said meeting. An applicant who qualifies must then pay a nonrefundable examination fee.

• • •

These amendments shall take effect immediately; provided that the amendment to Section 1111.10(c)(2) shall expire and be deemed repealed on December 31, 2009.

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

Yeas 4
Nays 0
ADOPTED

RESOLUTION: ELECTRICIAN LICENSING AND REGULATIONS, 2009-67

Agenda Item #39

Relative to Amending Chapter 1113 of the Codified Ordinances entitled "Electrician Licensing and Regulations"

BY: Council Chairman Robins

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1113 of the Codified Ordinances entitled AElectrician Licensing and Regulations@ is hereby amended by amending Section 1113.10 and adding Section 1113.22 to read as follows:

1113.10 APPROVAL OF ELECTRICAL PERMIT APPLICATION.

The Master Electrician shall submit to the Chief Electrical Inspector abstracts of all work for his approval before installing any electrical wiring or apparatus. **A permit shall not be valid until the application has been approved by the Chief Electrical Inspector or a City Code Enforcement Officer and countersigned by the Director of Inspections or a licensed Professional Engineer.** No electrical work can be commenced or completed without a valid permit. Any violation may result in a thirty (30) day suspension of their electrical license.

1113.22 ABSENCE OF CHIEF ELECTRICAL INSPECTOR.

In the absence of the Chief Electrical Inspector, the Director of Inspections may designate a licensed Master Electrician or City Code Enforcement Officer to fulfill the Chief Electrical Inspector duties.

These amendments shall take effect immediately; provided that Section 1113.22 shall expire and be deemed repealed as of December 31, 2009.

Bold and Underlining indicate **Additions.**

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

Yeas	4
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci
City Clerk

August 17, 2009

SPECIAL COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

August 12, 2009

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 August 17, 2009 at 11:00 a.m. in the Committee of the Whole, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Letter of Award for Federal Pavement Resurfacing Project Main Street (NY 104): Walnut Ave to Ontario Ave, Ontario Ave: Lockport St to Hyde Park Blvd and 11th Street: Lockport St to Ontario Avenue-PIN 5759.21

2. Letter of Award for Federal Pavement Resurfacing Project Packard Road: Niagara Falls Blvd to CSX Bridge 56th Street: Buffalo Ave to Stephenson Ave, Lindbergh Avenue: 77th St to Cayuga Dr Highland Avenue: Garden Ave to Profit Lane-PIN 5759.22

3. Letter of Award for Federal Pavement Resurfacing Project Pine Avenue (US 62A): Main Street Hyde Park Blvd, 24th Street: Pine Ave to Ontario Ave-PIN 5759.23

4. COPS Hiring Recovery Program Grant #2009RKWX0650

5. Operation IMPACT

6. Agreement between UCS and the City of Niagara Falls for Court Cleaning and Minor Repairs (Contract #300230)-New Five-Year Contract Agreement with Budget for SFY 2009-2010

7. Agreement for Air-Conditioning at LaSalle Library

Respectfully submitted,

Paul A. Dyster
Mayor

The August 17, 2009 Special Meeting of the Niagara Falls City Council was called to order by Council Member Sam Fruscione at 11:10 a.m. in the Council Chambers.

Present: Council Members Robert Anderson, Jr., Steve Fournier, Samuel Fruscione, Charles Walker – 4.
Absent: Council Chairman Chris Robins – 1.

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

MAIN STREET: RESURFACING PROJECT

Item #1
Approval of Letter of Award for Federal Pavement Resurfacing Project Main Street (NY 104): Walnut Ave to Ontario Ave, Ontario Ave: Lockport St to Hyde Park Blvd and 11th Street: Lockport St to Ontario Ave PIN-5759.21
The following was the result of bids received on August 4, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
Yarussi Construction, Inc. 5650 Simmons Ave Niagara Falls NY 14304	$ 976,165.00
Man O'Trees, Inc.	$ 1,021,050.00
Accadia Site Contracting, Inc.	$ 1,105,150.00
Mark Cerrone, Inc	$ 1,137,397.00
Armand Cerrone, Inc.	$ 1,139,603.00

It is the recommendation of the undersigned that this project be awarded to Yarussi Construction, Inc. at its Base Bid of $ 976,165.00. Funding is available through the American Recovery and Reinvestment Act of 2009 (ARRA).
This award is also subject to approval by the New York State Department of Transportation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

PACKARD ROAD: RESURFACING PROJECT

Item #2

Approval of Letter of Award for Federal Pavement Resurfacing Project Packard Road: Niagara Falls Blvd to CSX Bridge 56th St: Buffalo Ave to Stephenson Ave, Lindbergh Ave: 77th St to Cayuga Dr. Highland AveL Garden Ave to Profit Lane-PIN 5759.22

The following was the result of bids received on August 5, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
Accadia Site Contracting, Inc. 5636 Transit Road Depew NY 14043	$ 884,215.80
Man O'Trees, Inc.	$ 893,000.00
Yarussi Construction, Inc.	$ 918,922.25
Armand Cerrone, Inc	$ 986,013.50
Mark Cerrone, Inc.	$ 1,018,853.00

It is the recommendation of the undersigned that this project be awarded to Accadia Site Contracting, Inc. at its Base Bid of $ 884,215.80. Funding is available through the American Recovery and Reinvestment Act of 2009 (ARRA).

This award is also subject to approval by the New York State Department of Transportation.

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

Yeas 4
Nays 0
APPROVED

PINE AVENUE: RESURFACING PROJECT

Item #3

Approval of Letter of Award for Federal Pavement Resurfacing Project Pine Avenue (US 62A): Main Street, Hyde Park Blvd, 24th Street: Pine Ave to Ontario Ave-PIN 5759.23

The following was the result of bids received on August 3, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
Accadia Site Contracting Inc. 5636 Transit Road Depew NY 14043	$ 1,364,724.60
Armand Cerrone, Inc.	$ 1,420,542.00
Mark Cerrone, Inc.	$ 1,486,199.00
Yarussi Construction, Inc	$ 1,640,964.00

It is the recommendation of the undersigned that this project be awarded to Accadia Site Contracting, Inc. at its Base Bid of $1,364,724.60. Funding is available through the American Recovery and Reinvestment Act of 2009 (ARRA).

This award is also subject to approval by the New York State Department of Transportation.

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

Yeas 4
Nays 0
APPROVED

POLICE: COPS HIRING RECOVERY PROGRAM

Item #4
Approval of COPS Hiring Recovery Program Grant #2009RKWX0650
The United States Department of Justice has awarded the City a grant to fund five new officers for the Niagara Falls Police Department.
The grant over three years is in the amount $1,052,460.
The grant requires that the City maintain its police officer staffing level and also to retain the five officers subject to the grant for at least twelve months following the grant period.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

POLICE: OPERATION IMPACT

Item #5
Approval of Operation IMPACT
The Niagara Falls Police Department has received an award from the State of New York for $342,078 for Operation IMPACT during July 1, 2009 through June 30, 2010.
No matching funds are required for this grant.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

MUNICIPAL BUILDING: COURT CLEANING AND MINOR REPAIRS

Item #6
Approval of Agreement between UCS and City of Niagara Falls for Court Cleaning and Minor Repairs (Contract #300230)-New Five-Yard Contract Agreement with Budget for SFY 2009-2010
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, 2008 through March 31, 2013 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, 2009 and terminating on March 31, 2010.
The maximum compensation for this Renewal Contract period shall be $252,308.00.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

LASALLE LIBRARY: AIR-CONDITIONER

Item #7
Approval of Agreement for Air-Conditioning at LaSalle Library
The following was the result of bids received on August 14, 2009, for the above referenced project:

CONTRACTOR	BASE BID
Greater Niagara Mechanical,Inc 7311 Ward Road North Tonawanda NY 14120	$ 86,800.00
Parise Mechanical	$ 97,200.00
Hoot Mechanical	$ 98,900.00
John W. Danforth C	$ 99,000.00
Argy & Sons, Inc.	$ 127,116.00
David Gross Contracting, Inc.	$ 148,500.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Greater Niagara Mechanical Inc., at their Base Bid of $86,800.00. Funding is available in Code H0904.2004.0904.0443.000

Council Member Anderson 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, Council Member Fruscione adjourned the Meeting at 11:15 a.m.

Carol A. Antonucci
City Clerk

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The first session of the September 8, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Fruscione moved to approve the Minutes from the City Council Meetings of July 13th, July 27th, and Special Meeting of August 17th, 2009.

Yeas	5
Nays	0
	APPROVED

Don Masocco of the Main Street Business Association thanked the City, and especially Dave Kinney, John Caso and Mike Lynch, for all their efforts to get the Hyde Park Golf Course in shape for the Association's Golf Tournament.

Phil Buffone of the United Way of Niagara asked for a contribution of $30,000 from the City for the Holiday Lights of Niagara, and suggested that the City budget re-curring funding for this event. Council Member Anderson noted that as the City struggles with budget issues, this may not be possible.

Police Superintendent John Chella spoke on the standoff situation that occurred over the weekend, and Mayor Paul Dyster commended the Chief on the professionalism shown by the Police Department in dealing with the situation.

City Administrator Donna Owens spoke on the Blues Festival this coming weekend, as well as the 50 Million Pound Challenge Walk. She informed the Council Members that Niagara Falls has been designated as one of 33 "Playful Cities" nationwide for efforts in providing playgrounds for children in conjunction with the Kaboom initiative.

The Mayor and Administrator introduced Kathy Mayes, who will be working with the City as a National Urban Fellow.

In the Administrative Update, the Mayor and City Administrator said that:

1. Six of the tennis courts have been refurbished, and the lighting will be contracted out. Chairman Robins asked for a new Bob Laurrie sign, and that, if possible, additional courts be refurbished with the funding that has been allocated.

2. LiRo Engineering is working on the design for the Abate Basketball Courts, which will include 3 courts, bleachers, fencing, and lighting. Also being discussed are water and bathroom facilities. The Council's liaison for the project, Council Member Fruscione, will get a list of members of the community who are working with Ken Hamilton to provide input on the project. Also, Chairman Robins suggested naming the court "Legends" in honor of several local basketball players who did well in the sport.

3. City Administrator Owens noted that the Engineering and Inspections Departments are functioning in spite of staffing issues. Director of Human Resources Joyce Mardon-Serianni advised the Council of the steps taken to advertise the position of City Engineer. She noted that the company that had done the national search for the City was still involved in the process, since the candidate that was chosen did not work out. The Mayor also added that the correct salary for the position is $90,000.

4. Civil Engineer Robert Buzzelli spoke on the basement flooding and front stair repairs at City Hall. He noted that the stair repair would be very expensive.

5. Mayor Dyster, Mr. Buzzelli and City Forester Paul Dickinson addressed the Lewiston Road Tree Issue. Each tree in the area of the Project was examined by the contractor's arborist, and some trees will be saved. The residents in the neighborhood were also consulted.

6. Chairman Robins said that he was satisfied with updates he had received on the Lewiston Road Project.

Chairman Robins noted the amount of "walkons" submitted after the Agenda deadline, and asked for an explanation for each late Item. He emphasized the importance of Department Heads observing the Agenda deadlines, and said that Items submitted past the deadline may not be acted on until the next Council Meeting.

Chairman Robins asked for an update on activity at Globe and the number of Niagara Falls residents hired to work at Ascension for the next Council Meeting. He also spoke on student housing issues in the DeVeaux area; the good job done by the "zipper" on Lafayette Avenue, and questioned if the Events Committee was still active when talking about the Fair over the weekend at Hyde Park. City Administrator Owens informed him that the Events Committee is still in place.

Mayor Dyster noted that the street repairs on Grand Avenue required an in-house full dig, and City crews did a good job; sidewalk repairs have begun on 81st Street, and will continue onto 82nd Street; the building at 446 Third Street has been torn down to make way for a passthru; and he distributed copies of a paving spreadsheet for this season.

Council Member Anderson questioned when repairs to 72nd Street and Buffalo Avenue would be done. City Controller Maria Brown said that half of the cost of repairs to 72nd Street had already been bonded, and the other half would be bonded as needed. She then said that the City's bond rating had been upgraded and explained the process. She commended the Mayor and Council for working together to help the process to upgrade the rating. The Councilman asked Senior Planner Thomas DeSantis about improvements at Jayne Park, and said that residents have told him that they do not want a parking lot or canoe launch at the park. The Councilman also said that he would like to see all the City's parks refurbished through the Kaboom initiative.

Council Member Fruscione noted the number of illegal signs in the City, and the Mayor responded that the Inspections Department is working on enforcement of the Sign Ordinance. The Councilman also expressed concern about political signs that are placed on City rights of way.

Council Member Fournier inquired about the separation of the utilities at the Hyde Park Ice Pavilion, and Chairman Robins asked for an update at the next Council Meeting.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of Items to be added to the Agenda:

1. A communication relative to consultant services for City Hall Storm Event Flooding Study.

Council Member Fruscione 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.

2. A communication relative to consultant services for Americans with Disabilities Act Settlement Agreement.

Council Member Fruscione 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 #20.

3. A communication relative to consultant services for the 11th Street Basketball Courts.

Council Member Fruscione 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 #21.

4. A communication relative to the Community Development 2009 Street Resurfacing Project.

Council Member Fruscione 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 #22.

5. A communication relative to Homeless Prevention and Rapid Re-Housing Program Sub-Grantee Contract Awards.

Council Member Fruscione 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 #23.

6. A Resolution relative to application for City Hall Exterior Restoration Project.

Council Member Fruscione 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 #24.

7. A Resolution relative to application for LaSalle Waterfront Park.

Council Member Fruscione 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.

8. A Resolution relative to application for LaSalle Waterfront Park.

Council Member Fruscione 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 #26.

9. A Resolution relative to Transportation Investment Generating Economic Recovery Grant.

Council Member Fruscione 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 #27.

10. A communication relative to the Hyde Park Ice Pavilion Fire Alarm System.

Council Member Fruscione 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 #28.

Chairman Robins asked if the Greenway Funding that was received is enough for the LaSalle Waterfront Park (Agenda Items #25 and 26), and Mrs. Brown responded that some funding has been received for the Projects, but additional funding was needed to complete the Projects.

This Session ended at 5:45 PM

Chairman Robins reconvened the Meeting at 7:02 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.

Chairman Robins welcomed Senator George Maziarz who spoke on the transfer of 500 million dollars from the NY Power Authority to the State's general Fund and encouraged the Council to support the Niagara County resolution opposing this transfer.

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

Candace Corsaro	Agenda Item #4
Ken Hamilton	Agenda Item #4
Vince sandonato	Agenda Item #4
Bill MacKay	Support for the Buffalo Fire Dept. and Citywide 911 service
Ken Hamilton	Niagara Falls vs. LaSalle High School reunion game, downtown tax free zone to compete with casino
Vince Sandonato	Development on Cayuga Island, "Keep it Simple"

The following were RECEIVED AND FILED:

Agenda Item #1

Claims Report for July, 2009.

Agenda Item #2
City Clerk's Report for July, 2009.

Agenda Item #3
Claims Report for August, 2009.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

HOPE VI PROJECT; ASH REMEDIATION

Agenda Item #4
RE: Approval to appropriate $1 Million in 2008 casino revenues for HOPE VI Ash Remediation

The City has supported the HOPE VI project with casino revenues and land transfers. The City commitment was first memorialized in a grant agreement in February, 2007, in which the City appropriated $3 Million in casino revenues for Phase 1 of the HOPE VI project, including $1 Million in 2003 City casino revenues which is being administered by ESDC. The use of casino revenues for the project is authorized under State Finance Law 99-h as neighborhood revitalization.

Upon discovering that the HOPE VI budget included only $2 Million in casino revenues for Phase 1, the City amended the grant agreement in May, 2008 and authorized use for Phase 2 of the project of $1 Million from the $3 Million appropriation. The City transferred to NFHA the $2 Million appropriated under the agreement and amendment. None of the funds have been spent. NFHA has earned over $100,000 in interest on the casino revenues, which interest must be used for the HOPE VI project.

Upon discovery of the ash disposal problems at the HOPE VI site, the City agreed that the $1 Million that was to be used for Phase 2 could be used for the costs associated with the ash. On November 24, 2008, the City Council appropriated an additional $1 Million in 2007 casino revenues for the ash "remediation" costs of the project. The City Council agreed to consider appropriating a final $1 Million in 2008 casino revenues for ash "remediation" costs.

The 2008 casino revenues have been received by the City and can be appropriated by the City Council. The appropriation of $1 Million in 2008 casino revenues for ash "remediation" costs will bring the total City appropriation of casino revenues granted to the Niagara Falls Housing Authority for the HOPE VI project to $5 Million, with $3 Million used for the ash "remediation" costs and $2 Million for Phase 1 construction.

Will the Council vote to appropriate $1 Million in 2008 casino revenues as a grant to the HOPE VI project as set forth herein, and authorize the Mayor to effectuate the same?

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

Yeas 3
Fruscione, Walker, Robins
Nays 1
Fournier
Abstained 1
Anderson

APPROVED

WENDEL DUCHSCHERER, LASALLE WATERFRONT PARK

Agenda Item #5

RE: Approval of Amendment with Wendel Duchscherer, Architects and Engineers, PC

In 2008, you approved an agreement with Wendel Duchscherer for planning, design and engineering services for the new LaSalle Waterfront Park site at 6611 Buffalo Avenue.

It is requested that the Council approve a $6,650.00 change order to the agreement to allow for additional work on the LaSalle Park assessments, which will assist in the application for two additional grants.

Funding is available in the Special Projects Fund Balance.

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

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

Yeas	5
Nays	0
	APPROVED

FIRE DEPARTMENT; ROYAL AVENUE FIRE HALL

Agenda Item #6

RE: Approval of Appropriation of 2007 Casino Funds in the amount of $5,754.00 for the Royal Avenue Fire Hall

It is requested that $5,754.00 of 2007 Casino Funds be appropriated to the Fire Department to cover the expense of the removal of existing floor tile and installation of new floor tile at the Royal Avenue Fire Hall.

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

CORRECTIVE ACTION PLAN

Agenda Item #7

RE: Approval of the Corrective Action plan in response to New York State Comptroller's Examination and Report of City of Niagara Falls Economic Development Agreements

The New York State Comptroller's Office performed an audit and examination on certain developer agreements the City entered into some time ago. The first developer agreement that was reviewed was an agreement signed in 1981 with Rainbow Square Limited Partnership which, among other things, related to the construction and operation of a regional shopping mall by the Rainbow Square Limited Partnership and a City-owned multi-story parking garage. The other agreement, which was entered into in 1997 pertained to the development of approximately 140 acres of land within the East Falls Street redevelopment area. The Comptroller's Office took issue with these agreements and found that they were deficient in not containing provisions which protected the City's interest in the event that the developers failed to perform as they agreed to perform. In addition, the Comptroller was critical of the City for not monitoring performance and also for failing to designate an individual to be responsible for monitoring and reporting on the progress of those developments.

The Comptroller's Office issued six specific recommendations for the City to act on moving forward and it is required that the City generate a Corrective Action Plan. A copy of that Plan is attached (on file in the City Clerk's Office) hereto.

Will the Council approve the Corrective Action Plan and authorize the Mayor to execute it?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: NIAGARA FALLS WATER BOARD

Agenda Item #8

RE: Approval of the Agreement with the Niagara Falls Water Board regarding Lewiston Road-Main Street Reconstruction Project

As part of the Lewiston Road Reconstruction Project, portions of the water main will be replaced. Any costs associated with the replacement of portions of the water main will be the cost of the Niagara Falls Water Board. The City will be overseeing the project and the replacement of certain portions of the water main that was included in the City bid. The Niagara Falls Water Board will be reimbursing the City for any expenses incurred pertaining to the water main replacement. Attached (on file in the City Clerk's Office) is a Municipal Cooperation Agreement regarding this arrangement between the City and the Niagara Falls Water Board.

Will the Council authorize the Mayor to execute this Agreement?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: FAMILY AND CHILDREN'S SERVICE OF NIAGARA, INC

Agenda Item #9

RE: Approval of Agreement with Family and Children's Services for an Employee Assistance Program

Attached (on file in the City Clerk's Office) is a proposed agreement with Family and Children's Service of Niagara, Inc. to provide an Employee Assistance Program for non-uniform employees of the City of Niagara Falls. Funding is included in the 2009 Budget.

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: GHI; ADMINISTRATIVE SERVICES

Agenda Item #10

RE: Approval of Agreement with GHI for administrative services to provide dental coverage for City Retirees

Attached (on file in the City Clerk's Office) is the proposed agreement for GHI to continue providing the administrative services for the dental coverage for the City retirees who retired prior to the adoption of the new health insurance plan. Funding is available in the budget.

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

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 CORPORATION COUNSEL

CLAIM: ABRAMS, JUDITH E.

Agenda Item #11

RE: Approval to Settle and pay Claim of Judith E. Abrams in the amount of $350.57

Date Claim Filed:	February 18, 2009
Date Action Commenced:	N/A
Date of Occurrence:	February 3, 2009
Location:	1343 LaSalle Avenue
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Thomas Tedesco
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$350.57
Make Check Payable to:	Judith E. Abrams
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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: SHANKS, JASON P.

Agenda Item #12

RE: Approval to Settle and pay Claim of Jason P. Shanks in the amount of $172.56

Date Claim Filed:	February 3, 2009
Date Action Commenced:	N/A
Date of Occurrence:	January 29, 2009
Location:	1311 Garrett Avenue, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Leslie Bridgeman, Jr.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$172.56
Make Check Payable to:	Jason P. Shanks
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 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

The following were received and Filed

Agenda item #13

Mayor's approval of Resolution 2009-66, relative to Amemding Chapter 1111 of the Codified Ordinances entitled "Plumbing Code"

Agenda Item #14

Mayor's approval of resolution 2009-67, relative to amending Chapter 1113 of the Codified Ordinances entitled "Electrician Licensing and regulations"

COMMISSIONER OF DEEDS

Agenda Item #15

RE: Approval of Commissioner of Deeds Appointments for a term from October 1, 2009 to September 30, 2011

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

Cain, Carlton	NFPD
Jones, Daniel	NFPD
Herbert, Latricia	City Clerk's Office
Pugh, Tina	City Clerk's Office
Aversa, Ralph	851 College Terrace, Niagara Falls, NY 14305
Cannello, Leonard M.	9141 Rivershore Dr., Niagara Falls, NY 14304
Conti, Irene	603-38th St., Niagara Falls, NY 14301
Corsaro, Candice	1826 North Ave., Niagara Falls, NY 14305
Frett, Eugene W.	PO Box 1501, Niagara University, NY 14109
Haynes, Valerie P.	2941-21st Street, Niagara Falls, NY 14305
Hohle, Ronald C.	2027 River Road, Niagara Falls, NY 14304
Klimeczko, Marie	181-59th St., Niagara Falls, NY 14304
Nolan, Patricia	880-80th St., Niagara Falls, NY 14304
Shank, Victoria	1839 Niagara Ave., Niagara Falls, N.Y. 14305
Tyson, Charletta	1744 Tennessee Ave., Niagara Falls, NY 14305

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: HUMAN RIGHTS COMMISSION, 2009-68

Agenda Item #16

Relative to the Appointments and Reappointment to the Human Rights Commission

BY: Council Chairman Chris Robins
Council Member Charles A. Walker

BE IT RESOLVED, that the following individuals are hereby appointed and/or reappointed to the City of Niagara Falls Human Rights Commission effective immediately.

APPOINTMENT	**TERM EXPIRES:**
Jeanette Stypa 717 – 87th Street Niagara Falls, NY 14304	6/1/2012
Miguel J. Marin 3113 Lewiston Road Niagara Falls, NY 14305	6/1/2012
Brian K. Muhammad 3227 Bellreng Drive #B3 Niagara Falls, NY 14304	6/1/2011

REAPPOINTMENT	**TERM EXPIRES:**
Noreen Hill 536 – 17th Street Niagara Falls, NY 14301	6/1/2012
Richard Williams 2761 Falls Street Niagara Falls, NY 14303	6/1/2012

Council Member Fruscione moved to amend by adding name of B. Muhammad to item

Yeas 5
Nays 0

APPROVED

Yeas 5
Nays 0

ADOPTED AS AMENDED

RESOLUTION: DISCRIMINATION & HARASSMENT POLICY, ORDINANCE AMENDMENT, 2009-69

Agenda Item # 17

Relative to Amending Chapter 178 of the Codified Ordinances entitled "City of Niagara Falls Discrimination and Harassment Policy"

BY: Council Chairman Chris Robins

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 178 of the Codified Ordinances entitled ACity of Niagara Falls Discrimination and Harassment Policy@ is hereby amended by amending Section 178.02 entitled "Policy Statement" and deleting Sections 178.06 entitled "Grievance Procedure under the Americans with Disabilities Act" and Section 178.07 entitled "Reasonable Accommodation Policy for Individuals with Disabilities" to read as follows:

Chapter 178 CITY OF NIAGARA FALLS DISCRIMINATION AND HARASSMENT POLICY

• • •

Section 178.02 POLICY STATEMENT

In addition to prohibiting illegal discrimination on the basis of race, color, sex, religion, age, disability, marital status, military status, national origin, or other unlawful conduct, the City of Niagara Falls also prohibits the illegal harassment of its employees or officers in any form. The City will take all steps necessary to prevent and stop the occurrence of any illegal discrimination or harassment in the workplace.

• • •

(e) All City officers and employees will be held responsible and accountable for avoiding or eliminating the conduct prohibited by this policy. City employees are encouraged to report violations of this policy to their supervisor or to a member of the discrimination/harassment committee. This committee shall consist of **[two members: The Corporation Counsel or his/her designee and the Director of Human Resources or his/her designee.]** **a minimum of three (3) members: The Corporation Counsel or his/her designee, the Director of Human Resources or his/her designee, any additional member(s) designated by the Mayor and/or City Administrator.**

[Section 178.06: GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

(a) This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment, practices and policies or the provision of services, activities, programs, or benefits by the City of Niagara Falls, NY.

(b) The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

(c) The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator
City of Niagara Falls
745 Main Street
Niagara Falls, NY 14302-0069
(716) 286-4430

(d) Within 15 calendar days after receipt of the

complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of City of Niagara Falls and offer options for substantive resolution of the complaint.

(e) If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the City Administrator, who will convene the appropriate City Departments and Personnel to review and address the appeal.

(f) Within 15 calendar days after receipt of the appeal, the City Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the City Administrator will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

(g) All written complaints received by the ADA Coordinator, appeals to the City Administrator and responses from the ADA Coordinator and City Administrator will be maintained by the City of Niagara Falls for at least three years.

Section 178.07: REASONABLE ACCOMMODATION POLICY FOR INDIVIDUALS WITH DISABILITIES

(a) In accordance with the Americans with Disabilities Act of 1990, the City of Niagara Falls has adopted the following policy for addressing requests for reasonable accommodations made by people with disabilities in its employment, services, activities, programs, policies, procedures, rules and regulations.

(b) Individuals seeking reasonable accommodations through the ADA should submit their request in writing* to:

ADA Coordinator
City of Niagara Falls
745 Main Street
Niagara Falls, NY 14302-0069
(716) 286-4430

*** Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing.**

(c) If the ADA Coordinator wishes to grant the accommodation, the petitioner will be notified within one week of receipt of the request and no further action will be required by the petitioner. The request will then be implemented by the appropriate City Department.

(d) If the ADA Coordinator refuses to grant the accommodation request, the petitioner will be notified in writing of the decision, along with his or her rights to file a grievance under the City's Grievance Procedure, in a format acceptable to the petitioner. A copy of that procedure will be included in the correspondence to the petitioner.]

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

Yeas 5
Nays 0
ADOPTED

RESOLUTION: DISABILITIES POLICY, ADOPT ORDINANCE, 2009-70

Agenda Item #18

Relative to Adopting Chapter 179 of the Codified Ordinances entitled "City of Niagara Falls, New York Policy Concerning Individuals with Disabilities"

BY: Council Chairman Chris Robins

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 179 of the Codified Ordinances entitled ACity of Niagara Falls Policy Concerning Individuals with Disabilities@ is hereby adopted to read as follows:

Chapter 179 CITY OF NIAGARA FALLS POLICY CONCERNING INDIVIDUALS WITH DISABILITIES

Section 179.01 INTRODUCTION

The City of Niagara Falls believes in the dignity of the individual and recognizes the right of any person to equal opportunities. In this regard, the City has had a longstanding practice of protecting and safeguarding the rights and opportunities of any person who might seek or obtain employment without being subjected to illegal discrimination or harassment in the workplace. Solely for the purposes of this policy, the term "employee" shall also include a volunteer.

Section 179.02 NON-DISCRIMINATORY EMPLOYMENT PRACTICES AND POLICIES IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT

The City will ensure that employment practices and policies do not discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment, including recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, and employer-sponsored activities, including recreational or social programs.

(a) The City will not use any employment selection criteria that have the effect of subjecting individuals to discrimination. The City will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. To the extent the City's selection criteria have the effect of disqualifying an individual because of a disability, said criteria will be job-related and consistent with business necessity.

(b) During the hiring process, the City may ask about an applicant's ability to perform specific job-related functions, but will not ask whether an applicant is disabled or about the nature or severity of an applicant's disability.

(c) The City may condition a job offer on the results of a medical exam conducted after a conditional offer of employment has been made. All entering employees in the same job category, regardless of disability, will be required to take the same medical examination and the results of the medical exam will not be used to impermissibly discriminate on the basis of a disability.

(d) The results of medical records will be maintained separate from personnel files and kept confidential.

Section 179.03 REASONABLE ACCOMMODATION POLICY FOR INDIVIDUALS WITH DISABILITIES

(a) In accordance with the Americans with Disabilities Act of 1990, the City has adopted the following policy for addressing requests for reasonable accommodations made by people with disabilities in its employment, services, activities, programs, policies,

procedures, rules and regulations.

(b) Reasonable Accommodations in Employment: The City will make "reasonable accommodations" to the known physical and mental limitations of otherwise qualified applicants or employees with disabilities upon request of the applicant or employee, unless the accommodation will cause an "undue hardship" on the operation of the City's business.

1. If an applicant or employee requests a reasonable accommodation and the individual's disability and need for the accommodation are not readily apparent or otherwise known, the City may ask the individual for information necessary to determine if the individual has a disability-related need for the accommodation.

2. "Reasonable accommodation" means any change to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. Examples include:

a. Acquiring or modifying equipment or devices;

b. Job restructuring;

c. Part-time or modified work schedules;

d. Providing readers or interpreters;

e. Making the workplace accessible to and usable by individuals with disabilities.

However, any particular change or adjustment would not be required if, under the circumstances involved, it would result in an undue hardship to the City's operation.

3. "Undue hardship" means significant difficulty or expense relative to the City's operation. Where a particular accommodation would result in an undue hardship, the City must determine if another accommodation is available that would not result in an undue hardship.

(c) Request For Accommodations: Any individuals seeking reasonable accommodations through the ADA should submit their request in writing* to:

ADA Coordinator
City of Niagara Falls
745 Main Street
Niagara Falls, NY 14302-0069
(716) 286-4430

* Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing.

(d) If the ADA Coordinator wishes to grant the accommodation, the petitioner will be notified within one week of receipt of the request and no further action will be required by the petitioner. The request will then be implemented by the appropriate City Department.

(e) If the ADA Coordinator refuses to grant the accommodation request, the petitioner will be notified in writing of the decision, along with his or her rights to file a grievance under the City's Grievance Procedure, in a format acceptable to the petitioner. A copy of that procedure will be included in the correspondence to the petitioner.

Section 179.04 GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

(a) This Grievance Procedure is established to meet

the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment, practices and policies or the provision of services, activities, programs, or benefits by the City of Niagara Falls, NY.

(b) The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

(c) The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator
City of Niagara Falls
745 Main Street
Niagara Falls, NY 14302-0069
(716) 286-4430

(d) Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of City of Niagara Falls and offer options for substantive resolution of the complaint.

(e) If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the City Administrator, who will convene the appropriate City Departments and Personnel to review and address the appeal.

(f) Within 15 calendar days after receipt of the appeal, the City Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the City Administrator will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

(g) All written complaints received by the ADA Coordinator, appeals to the City Administrator and responses from the ADA Coordinator and City Administrator will be maintained by the City of Niagara Falls for at least three years.

CITY OF NIAGARA FALLS
COMPLAINT OF DISCRIMINATION AGAINST
INDIVIDUALS WITH DISABILITIES

NAME OF COMPLAINANT: _____

ADDRESS: _____

HOME PHONE: _____ WORK PHONE: _____

DATE OF HIRE: _____ JOB TITLE: _____

YOUR DEPARTMENT: _____

DEPARTMENT HEAD: _____

NAME AND TITLE OF PERSON(S) COMPLAINED OF:

DATE(S) OF INCIDENT(S): TIME:

DESCRIPTION OF INCIDENT(S)

ARE YOU STILL EMPLOYED BY OR VOLUNTEERING FOR THE CITY OF NIAGARA FALLS:

ACTION YOU ARE SEEKING:

SIGNATURE DATE

CITY OF NIAGARA FALLS
WITHDRAWAL OF DISCRIMINATION COMPLAINT

NAME OF COMPLAINANT:

DATE COMPLAINT WAS FILED:

DEPARTMENT HEAD NOTIFIED:

I HEREBY WITHDRAW THIS COMPLAINT AND AGREE THAT NO FURTHER ACTION IS REQUIRED ON IT.

SIGNATURE:

DATE:

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

Yeas 5
Nays 0
ADOPTED

CONTRACT: WATTS ARCHITECTURE & ENGINEERING, PC; CITY HALL FLOODING

Agenda Item #19

RE: Approval of Letter of Award to Watts Architecture & Engineering, PC for Consultant Services for City Hall Storm Event Flooding Study in the amount of $21,500.00

Based on the New York State Department of Transportation mandated merit selection process, please be advised that Watts Architecture & Engineering, P.C. has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Watts Architecture & Engineering, P.C. at its Proposal Price of $21,500.00. Funding is available through Funding Code A1620.2300.0443.000.

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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: FOIT ALBERT ASSOCIATES; AMERICANS WITH DISABILITIES ACT

Agenda Item #20

RE: Approval of Letter of Award to Foit Albert Associates for Consultant Services for Americans with Disabilities Act Settlement Agreement in the amount of $280,000

Based on the New York State Department of Transportation mandated merit selection process, please be advised that Foit Albert Associates has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Foit Albert Associates at its Proposal Price of $280,000.00. Funding is available through Casino Funding Code H0919.2009.0919.0449.599.

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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: LIRO ENGINEERS INC; 11TH STREET BASKETBALL COURTS

Agenda Item #21

RE: Approval of Letter of Award to Liro Engineers Inc, for Consultant Services for the 11th Street Basketball Courts in the amount of $28,000

Based on the New York State Department of Transportation mandated merit selection process, please be advised that Liro Engineers Inc. has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Liro Engineers Inc. at its Proposal Price of $28,000.00. Funding is available through Funding Code H0920.2009.0920.0449.599.

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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: YARUSSI CONSTRUCTION, INC; COMMUNITY DEVELOPMENT STREET RESURFACING

Agenda Item #22

RE: Approval of Letter of Award to Yarussi Construction, Inc, for the Community Development 2009 Street Resurfacing Project in the amount of $472,430

The following was the result of bids received on August 17, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
Yarussi Construction, Inc. 5650 Simmons Avenue Niagara Falls, NY 14304	$472,430.00
Armand Cerrone, Inc.	$517,650.00
Mark Cerrone, Inc.	$593,653.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Yarussi Construction, Inc. Additionally, the Contractor has agreed to extend the unit prices of his bid to utilize the maximum amount of Community Development CDBG-R funding available ($658,361.00). Funding is available in the Community Development Budget with funding provided through the American Recovery and Reinvestment Act of 2009.

Will the Council vote to so approve and authorize the Mayor to execute a contract with Yarussi Construction Inc., up to a maximum amount of $668,361.00, in a form acceptable to the Corporation Counsel.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM

Agenda Item #23

RE: Approval of the Homeless Prevention and Rapid Re-Housing program Sub-Grantee Contract Awards

The City of Niagara Falls was awarded a $1,037,411 Homeless Prevention and Rapid Re-Housing grant to aid both homeless persons and those "at risk of becoming homeless". This program is designed to provide financial assistance for rent payments and rental arrears, housing stabilization services, case management, counseling, legal services and counseling. The City's Falls Leased Housing Office will be responsible for client income verification, eligibility assessment and processing of financial assistance payments to third party vendors (landlords).

The housing stabilization component of the program including assessment of the clients housing status, case managements services, counseling, placement, advertising and legal aid will be provided by non profit agencies that currently deal with the homeless population in the City.

It is our recommendation that City Council approve the allocation HPRP funds listed below to those agencies that submitted proposals in response to the City's Request for Proposals (RFP. The agencies will be hiring case managers/paralegals to assist homeless persons. Funding will be provided annually, for up to three years or whenever HPRP funds are fully expended.

Community Missions of Niagara Frontier Inc:	$25,000 annually for up to a 3 yr. grant term ½ time case manager & administrative expenses
YWCA of Niagara Inc. (Carolyn's House)	$25,000 annually for up to a 3 yr. grant term ½ time case manager & administrative expenses
Neighborhood Legal Services	$44,000 annually for up to a 3 yr, grant term full time paralegal & administrative expenses-

Will Council vote to so approve and authorize the Mayor to sign the sub-grantee funding agreements?

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: HISTORIC PROPERTY PRESERVATION-CITY HALL, 2009-71

Agenda Item #24

Relative to Historic Property Preservation & Planning program-Environmental protection fund Application for City Hall exterior Restoration Project

BY: Council Chairman Chris Robins

WHEREAS, the City of Niagara Falls is applying for an Historic Property Preservation and Planning Grant through New York State Parks, Recreation and Historic Preservation - Environmental Protection Fund grant for the above referenced project with a total cost of $750,000 with State assistance in the amount of 600,000 and a local share of $150,000; and

WHEREAS, matching funds will be available from the Special Project Fund Balance.

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: LASALLE WATERFRONT PARK REVITALIZATION PROGRAM, 2009-72

Agenda Item #25

Relative to Local Waterfront revitalization Program-Environmental Fund Application for LaSalle Waterfront Park

BY: Council Chairman Chris Robins

WHEREAS, the City of Niagara Falls is applying for a Local Waterfront Revitalization Program- Environmental Protection Fund grant for the above referenced project with a total cost of $790,000 with State assistance in the amount of 395,000 and a local share of $395,000; and

WHEREAS, the City plans to apply for matching funds from 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.

BE IT FURTHER RESOLVED, that this Council hereby approves the application for Power Authority Greenway funding and authorizes the Mayor to act on behalf of the City in all matters related to the application and is authorized to execute any and all documentation related to this application or funding

Yeas 5
Nays 0
ADOPTED

RESOLUTION: LASALLE WATERFRONT PARK DEVELOPMENT, 2009-73

Agenda Item #26

Relative to Parks development and Planning-Environmental Protection Fund Application for LaSalle Waterfront Park

BY: Council Chairman Chris Robins

WHEREAS, the City of Niagara Falls is applying for a – Parks Development and Planning Grant through New York State Parks, Recreation and Historic Preservation - Environmental Protection Fund grant for the above referenced project with a total cost of $910,000 with State assistance in the amount of 600,000 and a local share of $300,000; and

WHEREAS, the City plans to apply for matching funds from 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; and

BE IT FURTHER RESOLVED, that this Council hereby approves the application for Power Authority Greenway funding and authorizes the Mayor to act on behalf of the City in all matters related to the application and is authorized to execute any and all documentation related to this application or funding.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVER GRANT, 2009-74

Agenda Item #27

Relative to the application for transportation Investment generating economic Recover grant

BY: Council Chairman Chris Robins

WHEREAS, the **American Recovery and Reinvestment Act (ARRA)**, created a **Supplemental Discretionary Grants Program**, **Transportation Investment Generating Economic Recovery** (TIGER) under the United States Department of Transportation; and

WHEREAS, this program makes grant funding available for projects that have a cost value of no less than $20 million on a competitive basis for capital investments and surface transportation infrastructure projects that will have a significant impact on the nation, metropolitan area or region; and

WHEREAS, projects eligible for funding under the TIGER program include but not are limited to highway or bridge projects, public transportation projects, passenger and freight rail transportation projects; and

WHEREAS, the City has previously entered/into a Memorandum of Understanding with the New York State Office of Parks Recreation and Historic Preservation, the New York State Department of Transportation and USA Niagara to determine an appropriate reconfiguration of the Robert Moses Parkway, particularly the portion from John B. Daly Boulevard to Prospect Street and the portion from Main Street to Findlay Drive; and

WHEREAS, an investment in reconfiguration of transportation infrastructure in the corridor will create an internationally significant expansion of the National Landmark public park and open space system at Niagara and create significant new private investment public revenues and employment; and

WHEREAS, reconfiguration of the Robert Moses Parkway is one of the required “Big Moves” highlighted in the City of Niagara Falls Comprehensive Plan (2009); and

WHEREAS, the implementation of Robert Moses Parkway reconfiguration within Niagara Falls National Heritage Area would provide a more appropriately scaled access system, expand recreational opportunities, landscape and park restoration, all activities would be eligible for funding under this grant program; and

WHEREAS, the City plans to make application for approximately $40,000.000 under the TIGER grant program with the support of the other stakeholders in the Memorandum of Understanding and;

WHEREAS, no local match is required for this grant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby authorizes the City to make application for this project from the Transportation Investment Generating Economic Recovery Grant Program and;

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any applications or other documents necessary to effectuate this grant.

Yeas	5
Nays	0
	ADOPTED

HYDE PARK ICE PAVILION FIRE ALARM SYSTEM

Agenda Item #28

RE: Approval of funding for repairs to the Hyde Park ice pavilion fire alarm system in an amount not to exceed $20,500

Certain deficiencies have been identified in the fire alarm system at the Hyde Park Ice Pavilion. Because of the uncertainty of the future of the Ice Pavilion, the Director of Public Works is recommending that the fire alarm system be repaired so that it is in working order rather than replacing the entire system.

A proposal has been obtained from M&M Electric to accomplish these repairs. It is anticipated that the repairs will not cost more than $20,500. Funding for these repairs is available through account H0819.2008.0819.0449.599.

Will the Council so approve?

Council Member Fournier 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 Robins adjourned the Meeting at 7:55 p.m.

Carol A. Antonucci
City Clerk

The first session of the September 21, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:06 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of September 8, 2009.

Yeas	5
Nays	0
	APPROVED

Toby Rotella reported that the Blues Festival was very successful. Chairman Chris Robins noted that the Festival was very well organized, well attended and commended Mr. Rotella for a job well done.

In the Administrative Update, City Administrator Donna Owens spoke about recent events in the City – the Blues Festival, the 50M Pound Challenge Walk, the Kaboom Play Day, and the Hard Rock Concerts. She also noted that the President of the National Urban Fellows Program had visited the City. She and Fire Chief William MacKay spoke on the purchase of a new pumper for the Fire Department, and thanked the Council, City Controller Maria Brown and Purchasing Agent Dean Spring for their help in making the purchase a reality. Clara Dunn reported on job creation and hiring of Niagara Falls residents at Globe and Ascension. City Administrator Owens said that work on the Hyde Park Ice Rink is progressing; many applications have been received for the City Engineer position from persons who are Professional Engineers as well as City residents, and Council Member Fournier will be the Council's representative on the panel to interview candidates; and, she asked the Council to provide funding for display cases for memorabilia that the City has received.

Chairman Robins asked when road repairs would start in the area in front of St. Joseph Cemetery, and Public Works Director David Kinney responded that the work would begin tomorrow.

Council Member Anderson commended Dennis Virtuoso for the job he was doing running the Inspections Department, and asked Civil Engineer Robert Buzzelli for a progress report on repairs on 72nd Street. Mr. Buzzelli responded that work was progressing.

Chairman Robins asked about Lewiston Road, and was informed that digging should begin this week. Council Member Fruscione asked about alley repairs, and Mr. Kinney responded that there were streets that had to be finished before work could begin on the alleys.

Mayor Paul Dyster commended the in-house paving crew, and spoke about streets that have been done and streets that will be done. Mr. Kinney also reported that training is being scheduled for crews that will work with the sealer machine and crack filler machine. The Mayor also noted that the Administration is looking into re-programming stimulus funding to get as many

streets as possible repaired. The Council Members also discussed what should be done with the hot patch machine that has not been used in 3 years.

Mayor Dyster announced the appointments to the Heritage Commission, and his appointment of Council Member Walker to serve on the Commission.

Council Member Fruscione noted to Mr. Virtuoso an illegally placed billboard, and Mr. Virtuoso responded that it would be taken care of in the morning.

Council Member Fruscione questioned the one year term for the contract with Modern Disposal (Agenda Item #4), and Mr. Spring and Ms. Owens explained that the original contract was for a term of 5 years, and is re-negotiated on a yearly basis.

Council Member Walker asked why CDBG funds for use at Nor-Loc Park were going to be transferred for use at the Park at South Junior (Agenda Item #2). Mayor Dyster informed him that the fence had to be done at South Junior before any other work could be done, and Community Development Director Robert Antonucci spoke on CD funds for specific uses. The Mayor said that funding would be provided for a fence at Nor-Loc Park.

Chairman Robins said that funding for the Inspections Department (Agenda Item #6) would be addressed at budget time.

Council Member Fruscione asked exactly what additional funding for the Engineering Department would be used for (Agenda Item #12), and Mayor Dyster and Mrs. Brown responded. A lengthy discussion followed.

This Session ended at 5:00 PM

Chairman Robins reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Robins announced a special presentation by David Fabrizio, Chairman of the NF Veteran's Commission and Wendel Associates relative to the Veterans Memorial Site Master Plan.

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

Nicholas D'Agostino	Agenda Item #3
Roger Spurback	Agenda Items #3, 13, 14
Candace Corsoro	Agenda Item #2
Ken Hamilton	Agenda Item #11
Norma Higgs	Agenda Item #3
Paul Gromosiak	Falls visitors, Library Air Conditioning, War of 1812 Anniversary
Nicholas D'Agostino	Gill Creek Improvements, Community Garden on Niagara Street
Candace Corsoro	Nor-Loc Park closing ceremony and thanks to Chief MacKay for 911 Ceremony
Ken Hamilton	Public Speakers at Committee of Whole session, Taxi Cab Issues, and stop signs where parks are located

The following was RECEIVED AND FILED:
Agenda Item #1
City Clerk's Report for August, 2009.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

SOUTH JUNIOR PARK: FUNDING FROM CDBG NOR-LOC PARK

Agenda Item #2

RE: Approval to allocate $40,000.00 of CDBG funds from Nor-Loc Park to South Junior Park

City Council previously denied a request to use $40,000 in CDBG funding for the installation of a basketball court at Nor-Loc Park. This funding was set-aside in the 2007 Community Development budget and has gone unexpended since that time. In order to comply with HUD mandated timely expenditure requirements we must take action to re-program those funds.

It is our recommendation that $40,000 in CDBG funding currently allocated to Nor-Loc Park, in budget line item CPW 068, be re-programmed to the proposed South Junior Park. As Council members will recall, $75,000 in 2009 CDBG funding was previously committed to this park for playground equipment. The additional funding will be used to pay for unfunded project costs such as installation of the equipment, fencing and landscaping.

Will the Council vote to so approve and authorize the Community Development Director to make the necessary budget adjustment?

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

Yeas	5
Nays	0
	APPROVED

Council Member Fournier said that the Council will fund a fence at Nor-Loc Park

CONTRACT: 19TH STREET POLICE SUB-STATION, CARL F. DEFRANCO

Agenda Item #3

RE: Approval of lease agreement for 496 19th St. Police Sub-Station with Carl F. DeFranco

The City Council approved 2009 CDBG funding for a police substation in the Niagara Street/19th Street area. We have examined several locations as candidates for the substation and have concluded that 496 19th Street offers the best alternative for the community. HUD has recently issued their 2009 CDBG grant agreements allowing the City to obligate funding for this project.

Carl F. DeFranco is in the process of purchasing the building housing a former tavern and apartments at 498 19th Street, which is the Assessor's Office address for the entire unit. This intersection of Ferry Avenue and 19th Street is ideal for a police substation devoted to police operations.

Mr. DeFranco is making repairs to the property, including installing a firewall, painting, installing new carpeting, making some plumbing and electrical repairs and separating the two storefront commercial units. The storefront known as 496 19th Street would be available for the substation.

The property owner has agreed to lease the aforementioned space for $400.00 per month plus utilities. Funds are available in the Community Development budget in budget line CPS 031.

It is our recommendation that City Council approve a one-year lease with Carl F. DeFranco for a commercial unit located at 496 19th Street at $400.00 per month plus utilities. The lease will commence upon completion of the repairs.

Will the Council vote to so approve and authorize the Mayor to execute the required lease agreement?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: MODERN DISPOSAL SERVICES, INC.-BULK WASTE COLLECTION/DISPOSAL & RECYCLING

Agenda Item #4

RE: Approval of Bid #35-03 to extend agreement with Modern Disposal Services, Inc. for bulk waste collection/disposal and recycling services thru 12/31/2010

At its meeting of November 24, 2003 the City Council awarded Modern Disposal Services, Inc. the above referenced bid (see attached agenda item)(on file in City Clerk's Office). The initial term of the agreement was for five (5) years, terminating on December 31, 2008.

One of the provisions of the bid allows the agreement to be renewed annually under the same terms, conditions and specifications for up to five (5) additional years if mutually agreeable. Last year the agreement was extended through December 31, 2009. Modern Disposal Services has expressed its desire to extend this agreement one (1) additional year, thru December 31, 2010.

We believe it is in the City's best interest to agree to this renewal.

Therefore, we recommend extension of this agreement for one additional year thru December 31, 2010.

Funds for this expenditure will be included in the Proposed 2010 budget code A8160.0000.0449.003.

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

Yeas 5
Nays 0
APPROVED

HISTORIC PRESERVATION WORKSHOP: CERTIFIED LOCAL GOVERNMENT GRANT

Agenda Item #5

RE: Approval to accept $7,000.00 Certified Local Government Grant for Historic Preservation Commission Workshops

The City has received notification of a $7,000.00 grant through the State Certified Local Government program. The grant will be used to hire a consultant to conduct four historic restoration workshops, stressing historic preservation rights and responsibilities for owners of residential and commercial historic structures. The consultant contract will require Council approval. The grant will also be used for historic restoration materials, advertising, print materials and video taping the workshops. The $3,000.00 City match is available from in-kind services of City employees.

Will the Council vote to approve the grant as set forth herein, and authorize the Mayor to execute the grant agreement and 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

INSPECTIONS: OVERTIME FUNDING

Agenda Item #6

RE: Approval to re-appropriate $12,824.00 from Inspections temp line and appropriate $19,470 from fund balance to cover over time in the Inspections Department

At your July 27, 2009 meeting you appropriated up to $70,000 from fund balance to fund temporary electrical and plumbing inspector positions through the end of 2009.

Because it has not been possible to fill these temporary positions until September 14, 2009 there is $12,824 remaining from the "up to $70,000" appropriated from fund balance on July 27, 2009. Because of this department's participation in the Zoom Program, it is requested that this excess $12,824 be made available to the overtime line necessitated by participation in the Zoom Program. It is also requested that an additional $19,470 (inclusive of all fringe benefits) be appropriated from fund balance to fund overtime required because of short staffing and participation in the Zoom Program. Once again, funding is available from fund balance.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

HARD ROCK CONCERTS: FUNDING

Agenda Item #7

RE: Approval to fund $3,600.00 from Tourism Fund to cover additional expenses from the Hard Rock Concerts

Invoices have recently been received by the City for the use of portable comfort facilities used during the City's co-promotion of Hard Rock concerts on July 11, 2009 and August 22, 2009. Expenses for the use of these comfort stations were not anticipated at the time the Agreements were prepared. The total amount due to vendors is $3,600. Funding is available to pay these invoices through the Tourism fund balance.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

POLICE DEPARTMENT: CHATMON, PAUL A., RESIGNATION

Agenda Item #8

RE: Approval to pay $1,475.98 to Paul A. Chatmon to obtain written resignation from City employment

The above individual was hired by the City as a police officer on September 22, 2008. While attending classes at the Police Academy, Mr. Chatmon was injured. This occurred on or about April 22, 2009. Mr. Chatmon has not returned to work as a City employee and has a workman's compensation claim pending.

Mr. Chatmon is not interested in returning to work as a City of Niagara Falls Police Officer. It is in the best interest of the City to obtain Mr. Chatmon's resignation from the City and obtain a general release from him in connection with this matter. Factoring in compensation owed to Mr. Chatmon as well as deductions of his portion of Health Insurance premiums, etc. it is recommended that the City pay Mr. Chatmon the sum of $1,475.98 in order to obtain Mr. Chatmon's written resignation as well as a general release. Funding is in the Police Patrol bi-weekly line number A.3120.2700.0110.000. This recommendation is subject to Mr. Chatmon resolving his workman's compensation claim with PERMA, the City's third party Administrator.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

POLICE DEPARTMENT: NYS DEPARTMENT OF HOMELAND SECURITY GRANT

Agenda Item #9

RE: Approval to accept Police Department grant from NYS Department of Homeland security

The Police Department has received a grant in the amount of $3,584 from the NYS Office of Homeland Security for overtime expenses in providing additional security along the international border. There is no City match required.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any agreements or other documents in a form acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C.: CONSULTANTS, BRIDGE PREVENTABLE MAINTENANCE PLAN

Agenda Item #10

RE: Approval of Letter of Award with Abate Associates Engineers & Surveyors, P.C. for consultant services for Bridge Preventable Maintenance Plan for a fee of $18,000.00

Based on the New York State Department of Transportation mandated merit selection process, please be advised that Abate Associates Engineers & Surveyors, P.C. has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Abate Associates Engineers & Surveyors, P.C. at its Proposal Price of $18,000.00. Funding is available through 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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: WATTS ARCHITECTURE & ENGINEERING, P.C.: LASALLE LIBRARY AIR CONDITIONING

Agenda Item #11

RE: Approval of Letter of Award for consulting services to Watts Architecture & Engineering, P.C. for air conditioning at the LaSalle Library at a cost of $12,800..00

Based on the New York State Department of Transportation mandated merit selection process, please be advised that Watts Architecture & Engineering, P.C. has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Watts Architecture & Engineering, P.C. at its Proposal Price of $12,800.00. Funding is available through Funding Code H0904.2004.0904.0451.000.

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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: LIRO ENGINEERS, INC.: SERVICES TO ENGINEERING DEPARTMENT

Agenda Item #12

RE: Approval of agreement with LiRo Engineers, Inc. for additional services to the Engineering Department

The City has received a proposal from LiRo Engineers, Inc. to provide additional services to the Engineering Department to assist with its various ongoing projects.

The cost of these services is not to exceed $50,000 and funding is available in the Engineering Department budget.

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

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

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS: EQUIPMENT 2010 CAPITAL PLAN

Agenda Item #13

Approval to purchase a paving machine and a ten ton roller from 2008 Casino funds

The City's multi year capital plan set forth the purchase of a ten ton roller and a paving machine as part of the 2010 capital year.

Due to the lengthy lead time in obtaining this equipment, it is requested that the Council authorize the City to move forward with the purchase of these items at this point so that they can be delivered in time for the 2010 paving season. The estimated cost of the paver is $500,000 and the estimated cost of the roller is $91,000.

Funding for this purchase will come from 2008 Casino funds paid in the first half of 2009.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS: ADDITIONAL EQUIPMENT

Agenda Item #14

RE: Approval to purchase additional equipment as part of the 2009 Capital Equipment Plan at an estimated cost of $406,650.00

Attached(on file in City Clerk's office) is a memo from the Director of Public Works requesting the purchase of the equipment listed as part of phase II of the 2009 Capital Equipment Plan.

The estimated cost of this equipment is $408,650.

There is $33,000 remaining from the first phase account H0912.220.912.023.000 which can be applied to this equipment. Funding for the rest of this phase will be from the Special Projects fund balance.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: URBAN ENGINEERS OF NEW YORK, P.C.-MILL & OVERLAY; Change Order #1

Agenda Item #15

RE: Approval of agreement with Urban Engineers of New York P.C. for design and scoping phases for additional streets not to exceed $98,000.00

At its March 23, 2009 meeting, the City Council awarded the scoping and design phases of the ARRA Stimulus Mill and Overlay projects Urban Engineers of New York P.C.

It is the recommendation of the undersigned that the scoping and design phases of this project be increased in an amount not to exceed $98,000.00 to perform work for additional streets that have become eligible for Federal stimulus funding. $50,000.00 of the funding is available in the Special Projects fund balance and the remainder will be reimbursed under the stimulus funding.

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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: J.R.SWANSON PLUMBING CO., ICE PAVILION; Change Order #1

Agenda Item #16

RE: Approval of Change Order #1 with J. R. Swanson Plumbing Co. for water repairs at the Ice Pavilion

A contract for the above referenced project was awarded to J.R. Swanson Plumbing Co. Inc. on July 20, 2009 in the amount of $17,000.00.

Subsequent to the completion of this project and during the course of work, the contractor encountered extra work beyond the initial scope of this contract. Additional water service was discovered which needs to be metered in order for the water metering system to be properly read. It was reviewed by the Engineering Department and the City's consultant and found acceptable, deemed necessary, and the cost associated with the extra work is appropriate.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of $5,200.00; increasing the contract total to $22,200.00. Funding for these services is available under Capital Code H0819.2008.0819.0449.599, originally appropriated for this project.

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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMINICATIONS WERE SUBMITTED BY CORPORATION COUNSEL

CLAIM: MEYER, RONALD & JOANNE

Agenda Item #17

RE: Approval to settle and pay claim of Ronald and Joanne Meyer in the amount of $800,000.00

Date Claim Filed: January 24, 2005	
Date Action Commenced:	November 3, 2005
Date of Occurrence:	December 11, 2004
Location:	Intersection of Seventh Street and Niagara Street, Niagara Falls, New York
Nature of Claim: Personal injuries	sustained in an automobile accident with City vehicle
City Driver:	Patrolman Sean Dunn
Status of Action:	Pre-arbitration stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$800,000. $750,000 to be paid from City's self-insured retention and $50,000 to be paid by City's excess liability insurance carrier.
Make Check Payable to:	Ronald Meyer, Joanne Meyer and Grossman and Civiletto, 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 be paid under the terms set forth above. Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CLAIM: ROBINSON, PATRICIA

Agenda Item #18

RE: Approval to settle and pay claim of Patricia Robinson in the amount of $1,468.28

Date Claim Filed:	January 30, 2009
Date Action Commenced:	N/A
Date of Occurrence:	January 29, 2009
Location:	500 block of 88th Street, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	William C. Wilson
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1,468.28
Make Check Payable to:	Patricia Robinson
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 Fournier 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

The following was RECEIVED AND FILED

Agenda Item #19
RE: Mayor's Approval of resolution 2009-69 & 2009-70 relative to Codified Ordinances.

RESOLUTION: AMERICANS WITH DISABILITIES ACT, 2009-75

Agenda Item #20
Relative to adoption of Notice of the Americans with Disabilities Act
BY: All Council Chairman Chris Robins
WHEREAS, the City has entered into a Settlement Agreement with the United States Department of Justice under the Americans with Disabilities Act which became effective on July 30, 2009; and
WHEREAS, the Agreement provides for the adoption of the attached notice. (on file in the City Clerk's Office)
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby adopts on behalf of the City the attached notice under the Americans with Disabilities Act; and
BE IT FURTHER RESOLVED that the notice be distributed and published as set forth in the Agreement with the Department of Justice; and
BE IT FURTHER RESOLVED that the Mayor is authorized to update the contact information contained in the notice as necessary and distribute updated notices as appropriate.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: AMENDING CHAPTER 1113 CODIFIED ORDINANCES ENTITLED "ELECTRICIAN LICENSING AND REGULATIONS", 2009-76

Agenda Item #21
Relative to Amending Chapter 1113 of the Codified Ordinances entitled "Electrician Licensing and regulations"
BY: All Council Members
BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1113 of the Codified Ordinances entitled AElectrician Licensing and Regulations@ is hereby amended by amending Section 1113.05 to read as follows:

1113.05 APPLICATION FEE, ELIGIBILITY, EXAMINATION AND ISSUANCE.

• • •

(d) The test for the master electrician license shall be given annually at a time and place to be decided by the Board of Examiners. All applications shall be filed no later than the thirtieth day of June prior to the date on which the examination is scheduled**, except that for the 2009 examination all applications must be filed by October 5, 2009**.

• • •

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

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 7:55 p.m.

Carol A. Antonucci
City Clerk

OCTOBER 5 , 2009

REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the October 5, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:12 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of September 21, 2009.

Yeas	5
Nays	0
	APPROVED

City Administrator Donna Owens gave the following Administrative Update:

1. Economic Development Director Peter Kay said that the Inn on the River and Fallside properties have both been closed on, and their applications for financial assistance from the City are being reviewed before they are sent to NFC.
2. Twenty-one applications for City Engineer have been received, and 12 of the candidates are qualified for the position. The Administration has asked Niagara University and the University of Buffalo to provide a representative for the interview panel for the position.
3. The City has allocated $50,000 for consultant services for the residency policy, and a plan is in place to investigate allegations against the policy.
4. Chairman Robins noted that the timeline for the Lewiston Road Project has not been met, and Civil Engineer Robert Buzzelli informed him that the contractor is waiting for the State to issue a permit for removal of the radioactive material at the site. A lengthy discussion followed, and the Council will be provided an update at a later time.

Chairman Robins asked about the Community Development Department budget process, and Director Robert Antonucci asked that the Council Members forward their comments by October 19. Mayor Paul Dyster added that the Administration is open to discussing the CD budget with the Council, and Chairman Robins appointed Council Member Walker as the Council's liaison for the Community Development budget discussions.

Council Member Fruscione asked about a plan for paving of alleys, and especially the Rivershore Drive alley, and Director of Public Works David Kinney informed him that after the other street paving projects are completed, the alleys will be looked at. Mayor Dyster then gave an update on the progress of the paving program. The Mayor also informed the Council Members that the City did not receive a grant that had been applied for to address the area behind Slipko's, so funds from the Mayor's Contingency Account would be used to repair the parking lot and sidewalk areas surrounding Slipko's for use by Family & Children's Services.

The Mayor also noted that he had looked at the work in progress on the Rapids Theater and a discussion followed on the condition of buildings on Main Street.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of a Resolution relative to a Public Hearing on the Proposed 2010 Budget.

Council Member Walker 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 #17.

This Session ended at 4:35 PM

Chairman Robins reconvened the Meeting at 7:04 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fruscione and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Robins announced a special presentation of memorabilia by Toby Rotella from the Blues Fest.

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

Ron Anderluh	Agenda items #14 & #17
Ron Anderluh	Niagara Street Business Association Dinner Awardees; funding in CD Budget for Gill Creek Park
Bill Bradberry	NAACP 100th Anniversary
Christine Strope	Funding for Gill Creek Park
Teonna Hayes	Alledged Police Brutality

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

NIAGARA FALLS URBAN RENEWAL AGENCY: FUND TRANSFER

Agenda Item #1

RE: Approval to transfer 2004-2005 casino revenue to Niagara Falls Urban Renewal Agency

In 2005, the State Legislature authorized execution of a memorandum of understanding providing for appropriation and allocation of the 2004-2005 casino revenues due to the City under State Finance Law §99-h. Paragraph 1(c) of the "MOU" authorized payment of "to the City of Niagara Falls for sub-allocation to the Niagara Falls Urban Renewal Agency (NFURA) for economic development to facilitate private investment, private sector job creation and expansion of the tax base within the City."

Some of the funds have been transferred to NFURA, which has transferred the funds to N.F.C. Development Corp. for economic loans and grants. Attached(on file in City Clerk's Office) is a recap of the transfers that have taken place to date. Some NFC loans were allocated from 2007 casino revenues, but should more appropriately been paid out from the 2004-05 appropriation. The recap shows a balance of $1,197,398.00 remaining of the 2004-05 appropriation. If we allocate the additional economic development loans shown on the recap to the 2004-05 appropriation, the balance remaining would be $782,398.00. Since there has been some loan activity since the preparation of the attachment, the actual amount to be transferred is $847,398.00.

In the past, NFC operated its economic development programs with federal HUD funds derived either from Urban Development Action Grants or Community Development Block Grants awarded to the City. As you know, we have proposed to recapitalize NFC with casino revenues. To that end, NFC has transferred back to the City the balance of federal funds and loans. The Urban Renewal Agency has already authorized transfer to NFC of the balance of 2004-2005 revenues which it may receive under the MOU, for use by NFC in making economic development loans and grants that fulfill one or more of the three MOU requirements.

Will the Council vote to approve the transfer to NFURA the balance of 2004-2005 casino revenues allocated to it under the MOU, for the purposes and as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

CONTRACT: ENTREPRENEURIAL TRAINING, NU COMMUNITY OUTREACH PROGRAM

Agenda Item #2

RE: Approval of agreement with Niagara University for entrepreneurial Training and funding for same

Niagara University, acting by and through its Community Outreach Partnership Center, last year conducted one of our most successful entrepreneurial training programs. This year, training will be conducted at the Conference Center, and will include networking sessions at the conclusion of the training sessions. The cost for the instructional sessions, Conference Center and related services to be provided by the NU Community Outreach Partnership Center is $15,000.00.

The training sessions are scheduled to start on October 13, with a kick-off on October 6. In the past, the costs have been paid with a state grant. We received the grant letter from Sen. Thompson, advising us that he has obtained the grant for us this year. However, we have not yet received the state grant agreement.

We are requesting that Council authorize the contract with NU Community Outreach Partnership Center for the training sessions. We are requesting that Council also authorize the use of up to $15,000.00 in 2006 casino revenues previously set aside for economic development to pay for the training sessions. These revenues will be used only if necessary, if we do not finalize the grant before payment is due. If we have to use the revenues, they can be reimbursed if and when we receive the grant funds.

Will the Council vote to approve the training session agreement and appropriations of funds as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: USA NIAGARA DEVELOPMENT CORP; CONVENTION & CONFERENCE CENTER

Agenda Item #3

RE: Approval of funding Agreement with USA Niagara Development Corporation for Convention & Conference Center Agreement

The restated and amended Convention and Conference Center Agreement (the "Agreement") with USA Niagara Development Corporation (USAN) expires on December 31, 2009. The terms of this Agreement have been renegotiated between USAN and the City which has resulted in a proposed new Agreement for a three (3) year period of time and an agreement by USAN to arrange for the management of Old Falls Street. The new Agreement will run from January 1, 2010 and expire on December 31, 2012. In the new Agreement, the amounts due from the City to help fund the operation of the Convention and Conference Center, as well as the management of Old Falls Street and engage in economic development projects, will in large part revolve around dollars received by the City from the State of New York in each budget year. For example in year 2010, as in previous years, the City agrees to remit to USAN a sum not to exceed $1,000,000 toward the cost of operating the Conference Center and now, the management of Old Falls Street. In the event that the City receives at least $17.7 Million from the State in the 2009-2010 State Budget then the City will remit to USAN an additional sum not to exceed $2.1 Million (this funding commitment was included for previous years as well). However, in the event that the City receives from the State an amount between $16.7 Million and $17.699 Million, the City will remit to USAN only an additional $1.1 Million. If the City receives less than $16.7 Million, the City will pay to USAN no additional dollars. That same example is applicable in years 2011 and 2012.

Will the Council so approve and authorize the Mayor to execute the Funding Agreement?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: AMERICAN PAVING & EXCAVATING, INC., PARKINF LOT 446 3RD STREET

Agenda Item #4

RE: Approval of agreement with American Paving & Excavating, Inc. for new parking lot at 446 3rd Street at a base bid of $63,013.00

The following was the result of bids received on September 29, 2009 for the above referenced project:

CONTRACTOR	ADJUSTED BASE BID (INCLUDING ALTERNATE)
American Paving & Excavating, Inc 5880 Thompson Road Clarence Center NY 14032	$ 63,013.00
Scott Lawn Yard	$ 72,460.00
Yarussi Construction	$ 73,907.00
Armand Cerrone, Inc.	$ 75,623.00
Mark Cerrone, Inc.	$ 95,691.00
Anastasi Trucking	$140,471.00

It is the recommendation of the undersigned that this project be awarded to American Paving & Excavating, Inc. at its Adjusted Base Bid of $63,013.00. Funding is available in code H0926.2009.0926.0449.599.

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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

N. F. C. DEVELOPMENT CORP., FUNDING MAJOR HOTEL INCENTIVE FUND

Agenda Item #5

RE: Approval to transfer $650,000.00 to N.F.C. Development Corp. for major hotel development grants

The City previously allocated casino revenues for incentives for major hotel projects. At this time, we are requesting that Council appropriate $650,000.00 of casino revenues and transfer that amount to N.F.C. Development Corp. to be available for major hotel projects. The $650,000.00 to be transferred consists of $150,000.00 of the amount appropriated by Council action as agenda number 13 on July 28, 2008. In addition, $500,000.00 had been set aside for a possible downtown hotel expansion. That $500,000.00 was never appropriated by Council. These funds are currently available from State Finance Law §99-h revenues on deposit with the City.

Upon approval, the $650,000.00 will be transferred to N.F.C. Development Corp. to be used as a major hotel incentive fund for grants or loans to major hotel projects. Any project aided with the fund will be subject to NFC board approval, and only major hotel projects can be assisted with these funds.

Will the Council vote to approve the transfer of funds as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

UNITED WAY OF NIAGARA; HOLIDAY LIGHTS

Agenda Item #6

RE: Approval to contribute $30,000.00 to United way of Niagara for the Holiday Lights display

The City has again been asked by the United Way of Niagara to help fund the holiday light display. The City has been asked to contribute the sum of $30,000. The City has participated in this light display in prior years. Funding is available from Casino interest.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: USA NIAGARA DEVELOPMENT, THIRD STREET PARKING LOT FUNDING

Agenda Item #7

RE: Approval of funding agreement with USA Niagara for construction of new parking lot at 446-448 Third Street

The City has acquired 446 Third Street and 448 Third Street. The purpose of these acquisitions is to construct a City Municipal Parking Lot. USA Niagara Development ("USAN") has engaged DiDonato to consult on the engineering/design aspects of the project and the City has solicited bids for construction. It is not anticipated that the cost of construction will exceed $63,013 plus a construction contingency of $6,300 for a total of $69,313. USAN agrees to remit to the City an amount up to $69,313 in order to pay for the construction of this Municipal Parking Lot. Attached(on file in City Clerk's Office) is a Funding Agreement that details the parameters of USAN's participation.

Will the Council authorize the City to receive an amount up to $69,313 from USAN and authorize the Mayor to sign the attached(on file in City Clerk's Office) Funding Agreement?

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

Yeas 5
Nays 0
APPROVED

POLICE DEPARTMENT: BYRNE JUSTICE ASSISTANCE GRANT, NYS DIVISION OF CRIMINAL JUSTICE SERVICES

Agenda Item #8

RE: Approval of Byrne Justice Assistance grant of $46,000.00 through the NYS Division of Criminal Justice Services

The City has received the above-referenced Grant in the amount of $46,000 through the New York State Division of Criminal Justice Services.

The Grant will be used for the purchase of bullet proof vests and no City match is required.

Will the Council approve acceptance of the Grant and authorize the Mayor to execute any Agreements necessary to effectuate same?

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

Yeas 5
Nays 0
APPROVED

INSPECTIONS; FURNITURE

Agenda Item #9

RE: Approval of purchase of new furniture for the Inspections department

There is a need for new furniture in the Inspections Department. It is requested that a modular unit be purchased that will have seating for six inspectors, file cabinets, a drawing table, etc. and will be a more efficient use of space. There is also a need for additional file cabinets and a new computer desk. The total expense for this new furniture will not exceed $16,000. Funding is available from Casino interest.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY CORPORATION COUNSEL

CONTRACT: COUNTY OF NIAGARA, IN REM

Agenda Item #10

RE: Approval of agreement with the County of Niagara for the current In Rem

Attached(on file in 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?

Council Member Fournier 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

This item was RECEIVED AND FILED

Agenda Item #11

RE: Mayors approval of Resolution 2009-76 relative to Amending Chapter 1113 of the Codified Ordinances entitled "Electrician Licensing & Regulations"

RESOLUTION: BUDGET MEETING SCHEDULE, 2009-77

Agenda Item #12

Relative to the Budget Meeting Schedule

BY: Council Chair Chris Robins

BE IT RESOLVED, By the City Council of the City of Niagara Falls, New York, that it hereby schedules Budget Meetings to commence at 4:00pm in the Council Chambers on:

October 13, 14, and 20 and 21; and November 18, 19 and 24.

Council Member Fruscione moved that the communication be amended by deleting the October 7, 2009 from the schedule

Yeas 5
Nays 0
Yeas 5
Nays 0

ADOPTED AS AMENDED

RESOLUTION: CIVIL SERVICE COMMISSION. APPOINTMENT, 2009-78

Agenda Item #13

Relative to appointment to the Niagara Falls Civil Service Commission

BY: Council Chair Chris Robins
Council Member Robert A. Anderson, Jr.

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Civil Service Commission effective immediately.

APPOINTMENT	**TERM EXPIRES:**
Mr. Lewis Rotella 8950 Rivershore Drive Niagara Falls, NY 14304	5/31/14

Yeas 5
Nays 0

ADOPTED

RESOLUTION: NIAGARA STREET AREA BUSINESS & PROFESSIONAL ASSOCIATION ANNUAL DINNER, 2009-79

Agenda Item #14

Relative to the Niagara Street Area Business & Professional Associations's Annual Dinner

BY: All Council Members

WHEREAS, on October 15th, 2009, the Niagara Street Area Business and Professional Association will hold its annual dinner; and

WHEREAS, **Martin's** will be honored as the Business of the Year; and

WHEREAS, **Dennis Thurman of Denny's Kitchen** will be honored as the Business Person of the Year; and

WHEREAS, **William MacKay, Niagara Falls Fire Chief; John Chella, Niagara Falls Police Superintendent; and Maria Brown, Niagara Falls City Controller** will be the recipients of the Leadership Award; and

WHEREAS, **NYS Assemblywoman Francine DelMonte** will be the recipient of the Statesman Award; and

WHEREAS, **Niagara Street School; Niagara Falls Redevelopment; National Grid; and David Gross Contracting** will be the recipients of a Special Award; and

WHEREAS, **Dave Kinney and John Caso – City of Niagara Falls Public Works; Robert Spacone – City of Niagara Falls Trades; Sherry Shepherd-Corulli – City of Niagara Falls Records/Asset Control Officer** will be the recipients of the Appreciation Award.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the Niagara Street Area Business and Professional Association's 2009 Business and Community Service Awards.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: TRANSPORTATION FEDERAL-AID PROJECT; TRANSPORTATION CENTER, 2009-80

Agenda Item #15

Relative to authorizing the implementation and funding of Federal Aid-eligible costs for Niagara Falls Intermodal transportation Center project

BY: Council Chairman Chris Robins

WHEREAS, a Project, The Niagara Falls Intermodal Transportation Center Project, in the City of Niagara Falls, Niagara County, *PIN* 5756.28 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds or 100% Federal funds, depending on the Source of Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the *above* project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Schematic & Detailed Design) and Right-of-Way Incidentals (ROW Mapping) phases of the Project, PIN 5756.28 .

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the City Council of the City of Niagara Falls hereby approves the *above-subject* project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the Preliminary Engineering (Schematic & Detailed Design) and Right-of-Way Incidentals (ROW Mapping) phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of $ 566,000 is hereby appropriated from 2006 Casino revenue (in addition to $250,000 previously appropriated f*or* the project's Preliminary Engineering and Right-of-Way Incidentals Phases via City Resolution No. 2001-81 adopted July 16, 2001) and made *available* to *cover* the cost of participation in the *above* phases of the Project; and it is further .

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Schematic & Detailed Design) and Right-of-Way Incidentals (ROW Mapping) phases exceeds the amount appropriated, $ 816,000 and/or 100% at the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Schematic & Detailed Design) and Right-of-Way Incidentals (ROW Mapping) phases exceeds $ 5,176,240 , the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution is filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: WORKPLACE VILOENCE PREVENTION POLICY, 2009-81

Agenda Item #16
Relative to Workplace Violence Prevention Policy
BY: Council Chairman Chris Robins

WHEREAS, section 27 (b) of the New York Labor Law requires municipalities to implement a workplace violence prevention program; and

WHEREAS, adopting an initial policy is a part of the process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby adopts the attached(ON FILE IN City Clerk's Office) workplace violence prevention policy.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NOTICE OF SUBMISSION OF 2010 PROPOSED BUDGET AND PUBLIC HEARING, 2009-82

Agenda item #17
Relative to notice of submission of proposed 2010 executive budget and public hearing
BY: All Council Members

WHEREAS, on October 1, 2009, the Mayor of the City of Niagara Falls duly submitted to the City Council the proposed 2010 Executive Budget for the City of Niagara Falls; and

WHEREAS, pursuant to Section 5.6.a 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 October 1, 2009, the proposed 2010 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 October 19, 2009 at 7:00 p.m. Daylight Saving Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2010 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 Robins adjourned the Meeting at 7:35 p.m.

Carol A. Antonucci
City Clerk

September 28, 2009

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, October 1, 2009 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Presentation of the Mayor's Proposed 2010 budget

Respectfully submitted,

Chris Robins, Council Chairman

The October 1, 2009 Special Meeting was called to order by Chairman Robins at 4:03 p.m. in the Council Chambers.

Present: Council Members Robert Anderson, Jr., Steve Fournier, Samuel Fruscione, Charles Walker and Chairman Chris Robins.

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

Mayor Paul A. Dyster had the following remarks:

I am happy to present to you today the recommended Municipal Budget for the City of Niagara Falls for the year 2010. Last year, I presented you with a balanced budget achieved without increasingly the tax levy. At that time, I also warned you that we might be witnessing the "calm before the storm," and that a number of major uncertainties lay ahead.

Some of those uncertainties have now come into sharper focus. I warned last year that the collapse of Wall Street would inevitably impact our costs under the State pension fund; that has now come to pass, with an impact in our 2010 budget of approximately $700,000 in additional costs. The City's interest income, which had provided a significant boost to revenues in 2009, was similarly impacted, with a projected decrease of $900,000 from 2009 to 2010.

Another storm cloud on the horizon identified in last year's speech was uncertainty about the future of Aid and Incentives to Municipalities (AIM), which ironically was initially conceived as a way for State government to provide a consistent and reliable source of general fund relief to needy municipalities. Well, I don't have to tell you that New York State is in difficult shape itself, and it would not be unreasonable to ask who is in a position to rescue whom. As a result of cuts in the AIM program, the City—like other cities across the State--will receive less than anticipated; in our case, a reduction of approximately $302,000. Wages are expected to rise by approximately $400,000 largely as a result of contractual obligations, such

as step increases and longevity while we lost a $400,000 revenue with the end of PILOT payments from TOPS Supermarkets, we project a $200,000 decrease in the Gross Receipts Tax, and we lost $200,000 in reimbursement from the New York State Courts as a result of changes in the administration of our Municipal Safety Building. It doesn't take a degree in economics to see the trend emerging here of decreasing revenues and increases in some unavoidable costs.

Luckily, the benefits of some past good decisions will help mitigate the impact of this whip-saw effect. Changes in how we purchase our health care coverage, including switching to a different broker, are projected to save us approximately $1.5 million in 2010. Utilizing a system of regularly-scheduled department-head meetings, the rule was imposed early-on that all departments should be prepared to hold the line at the 2009 level of expenditures, which—given inevitable increases in the cost of living that impact many expense items—effectively means a cut in real expenditures for 2010.

Last year, we were extremely conservative in our projection of Sales Tax revenues, which substantially exceeded our estimates; so much so that, even anticipating a 5% decrease from actual 2009 revenues in 2010, we feel we can safely budget for $300,000 more in revenues than we did last year. With the removal of the experimental meter system from downtown, we also feel confident that we can anticipate an increase of approximately $100,000 in revenue from enforcement of violations of the 2-hour parking rule. These savings alone, however, are not enough to balance the increase in expenses. So other measures are required.

We will deploy $1.5 million of our remaining AIM fund balance in 2010 to help close the gap. This will leave $1.1 million for use in subsequent years. We are transferring $1.6 million from the Debt Service Fund Balance to the General Fund. In addition, we are choosing to use $1 million less of General Fund Revenues, and $1 million more of casino revenues, to make our annual payment to USA Niagara Development Corporation in support of the operation of the Niagara Falls Conference Center. This will allow us to provide property tax relief while remaining consistent with Section 99-h of the General Municipal Law.

Times are indeed tough, and the pressure on budgets is great. Nevertheless, as in our 2009 budget, we remain committed for 2010 to the policy of no tax levy increase; i.e., no increase in the amount the City takes from the private sector through the property tax. It is what you demanded, it is what we promised, and it is what we are delivering. The levy will remain the same at $27,374,235.

There was bad news and good news in terms of the assessed valuation of taxable property. The bad news is that homestead valuation (the value of residential properties) fell by about $183,000, largely as a result of demolitions of once-tax-producing vacant houses. Last year, we had to write-off over $10.4 million in assessed valuation of non-homestead commercial and industrial property; largely as a result of state-required changes in the special franchise assessment program. This year there is good news. The value of commercial and industrial properties in the City increased by approximately $22.7 million – the first such increase in many years.. We got back more than double what we had to write off last year. So overall, assessed valuation was up over $22.5 million, thanks to business and industry. Please note this increase is not the result of any upward reassessment but instead a product of new construction and the end of tax pilots.

After consultation with the Council, we agreed to continue the City's long-term commitment to equalization of homestead and non-homestead taxes by again making a 10% shift. The fiscal discipline to continue on the path of equalization even during tough times may be one of the factors which is causing businesses to take a second look at Niagara Falls, resulting in the very direct and positive impact on taxable valuation noted earlier. Every dollar of taxes paid by businesses is a dollar less that has to be paid by residents. But the way to maximize the business community's contribution is to make the community more business friendly, not charge them almost twice as much per dollar of assessed value, as was past practice. Applying the 10% shift for 2010 results in a homestead base proportion of 54.42545 and a non-homestead proportion of 45.57455.

Combining the commitment to no increase in the tax levy with the commitment to continue the 10% shift toward eventual equalization results in a homestead property tax rate of $17.14 per $1,000 of assessed value and a non-homestead rate of $30.59. This represents a marginal increase of about $.25 per $1,000 of value (1.46%) for homestead properties, and a decrease of about $2.35 per $1,000 of assessed value (7.14%) for commercial and industrial properties. Fund balance—the security we set aside for "rainy day" contingencies and emergencies —is projected at $4 million or 5% of annual expenditures – a sign of fiscal stability especially in these hard times.

In the City's 2009 budget address, I spoke about the "calm before the storm." Well, now the storm has hit—a tsunami of tough economic news that has impacted every community across our nation, with our home state of New York particularly hard hit. But I am happy to report that, even with the tsunami at full swell, our head is still above water. We are holding our own. And that, after all, is what surviving an economic crisis is all about: finding a way to keep your head above water until the day when the waters finally subside, which—after a longer or shorter period of time—they always do. Under the circumstances, as a result of the hard work, discipline and sacrifice of many people, I think we're doing pretty well. But the general fund budget alone does not tell the whole story.

Our City is lucky to have sources of revenue available to it that do not depend on the property tax levy. We will continue our disciplined and determined policy to use casino revenues wisely for the purchase of capital equipment, the resurfacing of our streets, and other critical infrastructure improvements, and to allow the City to further grow our future tax base through participation in forward-looking economic development projects. We are proud to say we will pave a record number of streets in our in-house paving program this year, using some innovative new equipment purchased with casino revenues to give our men and women the tools they need to get the job done. This, by the way, is on top of $5.1 million in stimulus funded paving. We will continue to use our Greenway dollars—provided through the relicensing agreement with the New York Power Authority—to improve waterfront parks and trails and develop heritage tourism sites. These non-tax revenues are a precious resource which can help jump-start economic recovery and grow the future tax base.

In my State-of-the-City address, I said my goal was to make progress in advancing our City's well-being even while the economic situation of our State and nation was difficult, hoping to position ourselves for rapid growth at the end of the current period of recession. Keeping a steady and sure hand on the fiscal tiller is a critical part of that strategy; because we are up to the task, a bright future lies ahead. Shopping and visitation will return to, then surpass, pre-recession levels. The real estate market will stabilize, then steadily improve. Private investment will follow public investment downtown, and the green collar job market will expand. There will be more people and businesses paying taxes to support essential City services, and hence a lighter burden for each to carry. Eventually, decades of economic decline will be reversed. But in order to get to that better future, we have to hold the line on taxes, and hence expenses, today. So that, as you can see, is what we're going to do.

The budget we are presenting today did not arise in a vacuum. Rather, it is the result of a process set in motion months ago by City Administrator Donna Owens and City Controller Maria Brown. Each of our City department heads has answered the Controller's call to control costs, while simultaneously heeding the Administrator's call to maximize the delivery of essential services. Their combined message: "give the taxpayers more services for less money." I think that's what we've done, delivering expanded and improved services without increasing the tax levy. It wasn't easy. I want to thank City Administrator Donna Owens, City Controller Maria Brown, the Finance Department staff, and all the department heads and staff who worked selflessly to get the job done. Finally, in an innovative process designed to get comments in early and craft a truly consensus document, City Council members were invited to sit in from the very first budget meetings with the departments. I want to single out departing Council Chairman Chris Robins for his dedication this year and last in working on budget issues; his expertise and enthusiasm will both be sorely missed. All the Council members share in the accomplishments of this budget; their constructive attitude has helped shape policy decisions, and will make the budget review process easier for all concerned.

Has the current economic crisis already reached its high water mark? Is the worst behind us? I certainly hope so, but it is difficult to say. What is absolutely certain is that if we want to be prepared to enjoy a return to prosperity in the future, we have to be smart and disciplined today. Many cost-cutting measures and innovations have been included in this budget, and increases in discretionary expenses avoided. The proposed budget of $79,186,337 represents a decrease of $1,674,490, or 2%, from the 2009 adopted budget of $80,860,827

All municipalities in New York State face tough times ahead, but I believe the opportunities available to us in Niagara Falls for future economic growth are real and substantial. Look around at what is happening in our City. We've made some great progress already, but there's a long way still to go. Together, let's keep moving forward.

City Controller Maria Brown distributed copies of the Mayor's Proposed 2010 Budget to the Council Members.

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 4:20 p.m.

Carol A. Antonucci
City Clerk

The October 13, 2009 Budget Work Session of the Niagara Falls City Council was called to order at 4:10 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson Jr., Steve Fournier, Samuel Fruscione, Charles Walker - 5.
Council Member left the session at 4:30 p.m.

Also present: City Controller Maria Brown.

Purchasing Agent Dean Spring spoke on an additional position added to his Budget for 2010 (Records/Asset Clerk), and said that this person is assuming some of the clerical duties in the Office as well as assisting the Records/Asset Officer/Grant Coordinator. There is still overtime in the Budget for the grant writing duties, but the temporary line has been taken out. There has been much success obtaining grants, and a discussion followed on grant writing.

Chairman Robins noted the Travel & Training lines for each Department, and City Controller Maria Brown responded that the City Administrator had requested the funding for each Department to have training in their field. Mrs. Brown also emphasized taking advantage of training that is available within New York State.

Mrs. Brown will provide the Council Members with a report of all new positions and upgrades in the 2010 Budget.

City Assessor Dom Penale noted the increase in the temporary line for his Department that was needed to cover training for new employees who replaced two employees who had retired and help to assist with the STAR Program, and noted that some of this would be offset by reimbursement to the City from the STAR Program. He noted that there were no upgrades for his Department, and the retired employees would be replaced by new employees at a lower grade. He also noted that no funding was included for property re-assessments in 2010.

City Controller Maria Brown said that there was overtime included in her Budget for employees in her Department who did work for the Community Development Department, and some of this overtime was reimbursed to the City by CD. She also explained the change in positions for her Department.

City Clerk Carol Antonucci explained that the amounts for overtime and temporary lines had been adjusted to include an amount for acting-next-in-rank pay, but the total amount is the same as in 2009. Also, there is an amount included in her Budget to cover the cost of a City Directory, which is used by all the Departments in City Hall. There is also an increase in the postage line to cover the ongoing program of sending out dog licensing reminder postcards, which results in an increase in revenue.

Library Director Betty Babanoury requested additional funding to cover a shortfall in State funding for two grant positions and a loss in the amount of State aid. She also said that the Library had received all the grants that had been applied for.

The Budget Session ended at 5:05 PM, at which time Chairman Robins moved for an Executive Session to discuss a lawsuit. The Executive Session ended at 5:13 PM

Carol A. Antonucci
City Clerk

OCTOBER 14, 2009

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The October 14, 2009 Budget Work Session of the Niagara Falls City Council was called to order at 4:12 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Steve Fournier, Samuel Fruscione, Charles Walker - 4.
Absent: Council Member Robert Anderson, Jr.-1

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

Police Superintendent John Chella and Administrative Captain John DeMarco gave a presentation on crime statistics. They also discussed using female Police Offices instead of Detention Aides and the number of Court Officers and their duties. The Police Department is targeting gang activities and getting guns off the streets, and new Officers to fill vacancies will enhance the diversity of the Department. Council Member Walker asked about using Casino Funds for Public Safety, and City Controller Maria Brown responded that the Funds are being used for capital purchases for the Department. Council Member Walker also asked how complaints are being handled, and the Superintendent responded that the Community Relations Division of the Department was doing that. Also, grant funding was explained.

Human Resources Director Joyce Serianni noted that the position of EEO Coordinator was changed from a half time to a full time position for the 2010 Budget. She also spoke on ADA training for employees, and said that part of the cost for workplace violence training would be covered by a WYNCOSH grant. She has asked for new software for the Department, and Mrs. Brown said that the software could be purchased with Casino interest funds.

Management Information Services Director John Cahill informed the Council Members that in 2010, the AS400 system would be upgraded, and new computers would be purchased using Casino funds.

Planning and Economic Development Director Peter Kay spoke on positions in his Department, and Mrs. Brown explained which positions were paid by City funds and which positions were funded with Casino dollars. After a lengthy discussion on development and projects in the City, the Council asked that Mr. Kay hold regular meetings with all his staff to bring them together to move projects forward.

There being no further business to come before the Council, Chairman Robins adjourned the meeting at 5:55 p.m.

Carol A. Antonucci
City Clerk

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OCTOBER 19, 2009

REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the October 19, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Fruscione moved to approve the Minutes from the Special Meeting of October 1, 2009 and the regular meeting of October 5.

Yeas	5
Nays	0
	APPROVED

Chairman Robins asked that George Morreale and Tom Vitello, the City's representatives on the Water Board, attend the next Council Meeting to update the Council. They were scheduled to attend the October 5 Council Meeting.

In her Administrative Update, City Administrator Donna Owens commended the citizens who painted the Whirlpool Street fence, and asked that their efforts be recognized at a future Council Meeting. She noted that:

1. The Pro Shop at the Hyde Park Golf Course is in good condition, and the City will put out an RFQ in early 2010, and an RFP in June or July of 2010. After a discussion on the use of electric golf carts and a capital project to build a structure for the carts, Chairman Robins asked that the project be moved forward as quickly as possible.
2. At a meeting held on October 16, a short list of 6 candidates for the position of City Engineer was prepared. Telephone interviews with the candidates will be held on October 21, and personal interviews will follow on October 23. The panel working on hiring for the position includes a representative each from Niagara University and the University of Buffalo, the City Administrator, Council Member Fournier, Public Works Director David Kinney, Senior Planner Thomas DeSantis and Human Resources Director Joyce Mardon-Serianni.
3. The City's Urban Fellow was unable to attend this Meeting, but she will attend the November 2nd Council Meeting.
4. The contractor is ready to start tree removal for the Lewiston Road Project, and the permit for the removal of hazardous materials should be approved by the end of the month. The Administration will update the Council with a timeline for the Project once the permit has been granted.

Mayor Paul Dyster gave the Council Members a paving update, and noted that the local asphalt plant was down, and the material had to be obtained from Lockport. Curbs at intersections are being worked on for handicap compliance. Also, the Mayor said that Michael Williamson of Niagara Falls has been named as the new member of the USA Niagara Development Board, and USA Niagara has committed $1M to the Culinary Institute Project.

Chairman Robins said that the agreement for the maintenance of the walkway near the Conference Center was good for the City, and City Controller Maria Brown added that the City had just received a bill for the water for the fountains.

Council Member Fournier expressed concern about the conditions at the Hyde Park Ice Pavilion, and a discussion followed about cleaning up the area.

Council Member Walker asked that as much manpower as possible be used to finish in -house paving projects while the weather was still good. Director of Public Works David Kinney said that was already being done.

Council Member Fournier asked about a guarantee for road projects, and Civil Engineer Robert Buzzelli informed him that the contractor is held responsible for the work.

Council Member Anderson thanked Mr. Kinney for his attention to concerns he had noted to Mr. Kinney. The Council Member then asked Superintendent John Chella to make a priority of enforcing handicap parking violations, use of cell phones while driving, and complaints against cab companies.

Mr. Buzzelli also noted that the 72nd Street Project is moving along.

Deputy Corporation Counsel Thomas O'Donnell explained that Agenda Item #22 is a pass through for Federal Funds for the Train Station Project.

Corporation Counsel Craig Johnson distributed copies of a communication relative to approval of funding for a recreation area at DeVeaux State Park to be added to the Agenda.

Council Member Walker 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 #24.

Mayor Dyster added that the above Project may include donated light standards from the City.

This Session ended at 4:55 PM

Chairman Robins reconvened the Meeting at 7:03 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker 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 relative to the adoption of the proposed 2010 Executive Budget. City Controller, Maria Brown was present for the Public Hearing. The following spoke:

Ron Anderluh	Homestead/Non-Homestead Equalization, Add Inspectors to Inspection Department
Tony Scricco	Travel Expenses
Ken Hamilton	Code Enforcement & Library Funding
Russ Petrozzi	Homestead/Non-Homestead Equalization
Vincent Cancemi	Homestead/Non-Homestead Equalization

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

Ron Anderluh	Agenda Items #6 & #15
Art Briglio	Agenda Item #16
Ken Hamilton	Agenda Item #10
Diane Tattersall	Street repairs, Festivals & Concerts all done well & Basketball Courts at Parks
Yvonne Taylor	Representing NOAH- Thanks for playground at South Junior
Ken Hamilton	Library Security Issues & School District issues
Fred Chambers	Issues regarding needs of children in City

The following was RECEIVED AND FILED:
Agenda Item #1
Claim's Report for September, 2009.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT CHANGE ORDER: DAVID GROSS CONTRACTING CO., ROYAL AVE FIREHALL SEWER

Agenda Item #2
RE: Approval of change order to contract with David Gross Contracting Co. for sewer service at Royal Avenue Firehall
A contract for the above referenced project was awarded to David Gross Contracting Co. on May 18, 2009 in the amount of $26,577.75.
Subsequent to the start of the project, and at the request of the City Engineer, the contractor was directed to work extra hours/overtime to complete the underground portion of the project in as short a period as was possible. The costs for this "premium-time" work totaled $1,088.00 increasing the contract total to $27,665.75. Funding for this change order is available in Casino funds (A.1620.2320.0443.000).
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 Fruscione moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CONTRACT CHANGE ORDER: PINTO CONSTRUCTION SERVICES, INC., STEPHENSON AVENUE PARK

Agenda Item #3
RE: Approval of change order to contract with Pinto Construction Services, Inc. for work at Stephenson Avenue Park
A contract for the above referenced project was awarded to Pinto Construction Services, Inc. on July 7, 2009 in the amount of $62,655.00.
Subsequent to the start of the project, the City exercised an option to further standardize on the type of benches that were installed as a portion of the work included in this contract. The change in benches, eight in total, amounted to a net change of $1,060.00 increasing the contract total to $63,715.00. Funding for this change order is available in H066.2006.0622.0419.006.
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 Fruscione moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CONTRACT CHANGE ORDER: GERSTER TRANE, CHILLER SYSTEM AT E.W. Brydges Library

Agenda Item #4
RE: Approval of change order to contract with Gerster Trane for chiller system repairs at E. W. Brydges Library
A contract for the above referenced project was awarded to Gerster Trane on July 13, 2009 in the amount of $17,500.00.
Subsequent to the start of the project, it was determined that in addition to the repairs specified, an additional 400 lbs of refrigerant (R-11) was required for maximum operational benefit. The cost for this extra material is $6,200.00, bringing the new contract total to $23,700.00 this contract. Funding for this change order is available in H0904.2004.0904.0443.000.
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 Fruscione moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CONTRACT CHANGE ORDER: FOX FENCE, INC., FENCING HYDE PARK BALLFIELDS

Agenda Item #5

RE: Approval of change order to contract with Fox Fence, Inc. for fence replacements at Hyde Park Ballfields

A contract for the above referenced project was awarded to Fox Fence, Inc., 2637 Lockport Road, Niagara Falls, New York 14305, on June 15, 2009, in the amount of $65,425.00.

Subsequent to the start of the project, the City requested a quotation for additional fencing to be added to the scope of the above-referenced contract. The quotation for this extra work – 373' of additional 4' high chain link fencing – totaled $6,519.00, bringing the new contract total to $71,944.00.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of $71,944.00, Funding for the additional tasks is available under 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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: O'CONNELL ELECTRIC CO., INC.; GILL CREEK NATURE TRAIL LIGHTING

Agenda Item #6

RE: Approval of contract with O'Connell Electric Co., Inc. for Gill Creek Nature Trail Lighting

The following was the result of bids received on October 7, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
O'Connell Electric Co., Inc. 830 Phillips Road Victor NY 14564	$ 93,140.00
Fredrock Electric Co., Inc.	$ 98,485.00
CIR Electric Co., Inc.	$115,800.00
M&M Electric Co., Inc.	$119,970.00
Scott Lawn Yard	$129,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder O'Connell Electric Co., Inc., at their Base Bid of $93,140.00. Funding is available in Code H0962.2009.0962.0449.599.

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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT CHANGE ORDER: DANNY THOMPSON, INC.; ROOF REPLACEMENTS AT CORPORATION YARD

Agenda Item #7

RE: Approval of change order to contract with Danny Thompson, Inc. for roof replacements at Corporation Yard

A contract for the above referenced project was awarded to Danny Thompson Inc. on October 14, 2008 in the amount of $572,052.00.

Subsequent to the start of work, numerous deficiencies were discovered upon the removal of the existing roofing systems on **both** the City's salt dome and the former Sanitation Department's garage. In each case, substantial structural framing and/or docking replacement had to occur to return the structures in question to a safe and dry condition while reversing to the most cost-effective point possible, the water damage that had taken place since the roofing system's initial failures. The cost associated with the reframing and redocking of both structures is $104,195.70 bringing the total contract cost to $676,247.70. Please note that although substantial, the new contract total is still well in excess of $110,000.00 below the next-lowest competitive bidder. Funding for this change order is available in Casino funds (H0827).

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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

POLICE DEPARTMENT GRANT: MOTOR VEHICLE THEFT & INSURANCE FRAUD PREVENTION

Agenda Item #8

RE: Approval to accept Police Motor Vehicle Theft & Insurance fraud Prevention Grant for $43,175.00

The Police Department has received a grant of $43,175.00 for the calendar year 2010 under the above-referenced grant program.

No City match is required.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any Agreements or other documents necessary to effectuate this?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: GARDENVILLE LANDSCAPE & NURSERY; SOUTH JUNIOR PLAYGROUND

Agenda Item #9

RE: Approval of contract with Gardenville Landscape & Nursery for playground installation at South Jr. High School, and budget transfer of $912.00 from Community Development

The following was the result of bids received on October 9, 2009, for the above referenced project:

CONTRACTOR	**BASE BID**
Gardenville Landscape & Nursery 3069 Clinton St. West Seneca, NY 14224	$ 96,057.00
Titan Development Inc.	$ 99,430.00
Yarussi Construction Inc.	$109,985.00
American Paving & Excavating	$119,765.00
Scott Lawn Yard	$127,465.00
Sicoli Construction Services, Inc.	$152,895.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Gardenville Landscape & Nursery, at their Base Bid of $96,057.00. Funding is available in the following budget codes :

TR.1999.0000.0449.599 Casino Revenue $27,000.00
CPW 072 Community Dev.) $69,057.00

It will also be necessary to approve a budget transfer of $912.00 from Community Development Budget Code CML099 to provide the balance of funding required to purchase the playground equipment and ground matting for this project.

Will the Council vote to so approve the budget transfer for the purchase of equipment and authorize the Mayor to execute a contract with Gardenville Landscape & Nursery in a form acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0

APPROVED

FUND TRANSFER FROM SPECIAL PROJECT FUND BALANCE; PAVING OF CITY OWNED LOT

Agenda Item #10

RE: Approval to transfer $137,500 from Special Project Fund Balance to cover paving of City owned lot on Linwood Avenue

It is in the City's best interest to pave a City-owned lot located on Linwood Avenue between 8th Street and alley/Linwood, as well as the alley between Main Street and 8th Street (from Division to Linwood). The paving of this lot and alley will serve people visiting various businesses and agencies in the vicinity of Main Street and Linwood Avenue including the Family and Children's Service's new building. The cost to pave this City-owned lot and alley will not exceed $137,500. Immediate funding is coming from budget line H0309.2009.0309.0419.006. It is requested that $137,500 be transferred from the Special Project Fund balance to this budget line to reimburse it for the cost of paving.

Will the Council so approve?

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

Yeas 2
Walker, Robins
Nays 3
Anderson, Fournier, Fruscione

DEFEATED

NCCC CULINARY INSTITUTE; RELOCATION FUNDING

Agenda Item #11

RE: Approval to use $5,000.00 from Economic Development Casino Funds to facilitate relocation of Niagara County Culinary Institute

In an effort to advance the relocation of the Niagara County Community College Culinary Institute to the Rainbow Mall location, it is necessary to retain the services of an appraiser to calculate the value of the ground lease, building, etc. The estimated cost for such an appraisal is approximately $10,000 and the City has been asked to pay for one-half of this cost, i.e., $5,000. Funding for this $5,000 expense is available from Economic Development Casino Funds.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT CHANGE ORDER: M & M ELECTRIC CONSTRUCTION CO., INC. ICE PAVILION ALARM SYSTEM

Agenda Item #12

RE: Approval of Change order to contract with M & M Electric for repairs to fire alarm system at the Ice Pavilion

Additional deficiencies have been identified in the operation of the fire alarm system at the Ice Pavilion. It is estimated that the total amount to perform these additional repairs will not exceed $12,000. An estimate has been prepared by M & M Electric Construction Co., Inc., which is attached(on file in City Clerk’s Office) hereto as a change order to its earlier estimate. Funding to perform these repairs is available from HO819.2008.0819.0449.599. The source of funds is bond proceeds and casino revenues previously designated for ice pavilion repairs.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY CORPORATION COUNSEL

CLAIM: WAGNER, ARTHUR P., ESTATE

Agenda Item #13

RE: Approval to settle and pay claim of estate of Arthur P. Wagner in the amount of $200,000.00

Date Claim Filed:	November 2, 2006
Date Action Commenced:	November 2, 2007
Date of Occurrence:	August 9, 2006
Location:	Hyde Park Boulevard, Niagara Falls, NY
Nature of Claim:	Automobile damage and personal injuries sustained in an accident with City vehicle.
City Driver:	Patrolman David Kelly
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$200,000.00
Make Check Payable to:	Law Office of Jon Louis Wilson and Estate of Arthur P. Wagner
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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: ALLSTATE INSURANCE CO. A/S/O SCHREINER, MICHELE

Agenda Item #14

RE: Approval to settle and pay claim of Allstate Insurance Co. a/s/o Michele Schreiner in the amount of $1,493.79

Date Claim Filed:	April 25, 2008
Date Action Commenced:	N/A
Date of Occurrence:	March 10, 2008
Location:	9501 Colvin Boulevard, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Brian Raymond
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1,493.79
Make Check Payable to:	Allstate Insurance Company a/s/o Michele Schreiner
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 Fruscione 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

The following was a RECEIVED AND FILED
Agenda Item #15

RE: Denial of request for all-way stop signs at Buffalo Avenue & 4th Street and tabled request for Handicapped access space in front of 3670 Sherwood Avenue

TRAFFIC SIGNAL: PINE AVENUE & 15TH STREET

Agenda Item #16

RE: Approval to relocate existing traffic signal from Pine Avenue & Tronolone Place to Pine Avenue & 15th Street

At the Traffic Advisory Commission meeting held on October 6, 2009, the Commission recommended **APPROVAL** of the following item:

RELOCATE THE EXISTING TRAFFIC SIGNAL FROM PINE AVENUE & TRONOLONE PLACE TO PINE AVENUE & 15TH STREET

Submitted By: Arthur Briglio, President, Bocce Block Club (15th Street between Pine Avenue & Walnut Avenue)

The existing signal was originally moved from 15th Street to Tronolone Place in 1978 because of a request received from St. Joseph's School. The intersection was studied, with the following results: Right-angle accidents – 2006/0, 2007/1, 2008/0, 2009/2 (thru 9/23). In addition, the low side street traffic volume and numbers of pedestrians crossing (Pine Avenue: 12,326/vehicles/day, 8th highest hour/784 and 15th Street: 1982/vehicles/day, 8th highest hour/112) indicates that this intersection falls short of eight different FWHA signal warrants for installation of a traffic signal which include: 8 hour volume, 4 hour volume, peak hour volume, pedestrian volume, school crossing, coordinated signal system, crash experience and roadway network. After using these guidelines, the study indicates it does not warrant a traffic signal. Therefore, Thomas Miklejn recommends denial of this request.

The Commission advises that the relocation of a traffic signal would be costly. The design and installation of the signal and removal of the old signal could cost approximately $100,000 according to estimates from the Engineering Department; therefore the Commission approved this request pending allocation of funding by the City Council.

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

Yeas 5
Nays 0
APPROVED

2235 FOREST AVENUE, HANDICAPPED ACCESS SPACE

Agenda Item #17

RE: Approval to install Handicapped Access Space in front of 2235 Forest Avenue

At the Traffic Advisory Commission meeting held on October 6, 2009, the Commission recommended **APPROVAL** of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2235 FOREST AVENUE

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

Submitted By: Patricia Knight on behalf of Helen Bell, 2235 Forest Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

1912 PINE AVENUE; LOADING ZONE

Agenda Item #18

RE: Approval to install 37ft. loading zone in front of 1912 Pine Avenue

At the Traffic Advisory Commission meeting held on October 6, 2009, the Commission recommended **APPROVAL** of the following item:

INSTALL A 37' LOADING ZONE (9A.M. – 5P.M.) IN FRONT OF 1912 PINE AVENUE

Request was made to facilitate pickup and delivery in front of 1912 Pine Avenue.

Submitted By: Enzo Luciani, Owner, Pine Avenue Hardware, 1912 Pine Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

33rd STREET; TWO SIDED OVERNIGHT PARKING

Agenda Item #19

RE: Approval to waive alternate overnight parking on 33rd Street between Pine & Walnut Avenues and allow two sided parking from April 1st thru November 30th of each year

At the Traffic Advisory Commission meeting held on October 6, 2009, the Commission recommended **APPROVAL** of the following item:

WAIVE THE ALTERNATE OVERNIGHT PARKING RULE ON 33RD STREET BETWEEN PINE AVENUE AND WALNUT AVENUE AND ALLOW TWO SIDED OVERNIGHT PARKING FROM APRIL 1ST THRU NOVEMBER 30TH EACH YEAR

A Petition from the residents of this block was received with 91% signatures.

Submitted By: Petition/Residents of 33rd Street

The Commission has made a special exception approving this request due to the road being 30 feet in width with daytime parking being allowed on both sides of the street and houses located only on one side of the street (all with shared driveways). Parking will only be allowed on both sides of the street from April 1st thru November 30 on a one year trial basis.

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: AMEND CHAPTER 1121 "SIGNS AND BILLBOARDS", 2009-83

Agenda Item #20

Relative to amending Chapter 1121 of the Codified Ordinances entitled "Signs and Billboards"

BY: All Council Members

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1121 of the Codified Ordinances entitled ASigns and Billboards@ is hereby amended by amending Section 1121.03 entitled "Permits, Fees, Inspection and Indemnification" to read as follows:

1121.03 Permits, Fees, Inspection and Indemnification.

• • •

6. Permit Fees. Application for permits shall be filed with the Sign Inspector, together with the permit fee for each sign as specified below**[; provided, however, that the minimum fee for a permit shall be Fifty Dollars ($50.00)].**

(a) Signs Where Permitted, New or Additional, Including Alterations to Existing Signs.

[i. Up to 100 sq. ft. (each sign face) (this fee includes any electrical fee required.) $50.00

ii. Each additional 100 sq. ft. (per face) $15.00

iii Moving signs on the same premises $25.00

iv. Relocating signs to new premises $25.00

v. Awnings and canopies without signage.

First $1,000 cost of labor and material $25.00

Each additional $1,000 or fraction thereof $10.00

vi. Signage on an awning or canopy (flat fee) $25.00

vii. Permit renewal/Inspection $25.00]

The fees for permits are as set forth in Section 1107.10(B)(6) of Chapter 1107 of the Codified Ordinances and shall be paid prior to the issuance of any permit.

(b) The calculation of square footage shall be based on both faces of the sign.

Bold and Underlining indicate **Additions.**

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

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: AMEND CHAPTER 173 "LEAVES OF ABSENCE WITHOUT PAY", 2009-84

Agenda Item #21

Relative to amending Chapter 173 of the Codified Ordinances entitled "Leaves of absence without pay"

BY: All Council Members

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 173 of the Codified Ordinances entitled ALeaves Of Absence Without Pay@ is hereby amended by amending Section 173.09 entitled "Family and Medical Leave", Section 173.19 entitled "Vacation Before Leave" and Section 173.20 entitled "Health Insurance Benefits End" to read as follows:

173.09 FAMILY AND MEDICAL LEAVE.

Family and medical leaves shall be granted to employees in accordance with the Family and Medical Leave Act of 1993. Employees meeting the eligibility requirements will be allowed to take time off for up to 12 workweeks in a leave year for the following conditions:

• • •

Military Family Leave shall be granted to eligible employees in accordance with the National Defense Authorization Act of 2008. Employees meeting the eligibility requirements will be allowed to take time off as indicated below for the following conditions:

5. Qualifying Exigency Leave. An eligible employee is entitled to up to 12 workweeks of job-protected leave in the applicable 12-month period because of "any qualifying exigency" rising out of the fact that the employee's spouse, son, daughter or parent is on active duty or called to active status as a member of the National Guard or Reserves in support of a contingency operation.

6. Military Caregiver Leave. An eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious illness or injury is entitled to up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the service member.

Family and medical leave is not a separate leave, but is charged to annual leave in accordance with current leave policies

173.19 VACATION BEFORE LEAVE.

Any employee can be required to use any vacation or compensation time accrued to such employee before being granted a leave of absence hereunder. **An employee will be required to exhaust all accrued sick time prior to being granted a leave for health reasons or because of their own serious health condition under FMLA.**

173.20 HEALTH INSURANCE BENEFITS END.

No employee granted a leave of absence shall be entitled to medical and/or dental benefits after the first **[thirty days of] day of the month following the month in which** any leave of absence hereunder granted to such employee **initiates** unless provided for by law, regulation, collective bargaining agreement or ordinance.

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

Yeas 5
Nays 0

ADOPTED

RESOLUTION: N. F. INTERMODAL TRANSPORTATION CENTER PROJECT, 2009-85

Agenda Item #22

Relative to implementation & funding for N.F. Intermodal Transportation Center Project

BY: All Council Members

WHEREAS, a Project, The Niagara Falls Intermodal Transportation Center Project, in the City of Niagara Falls, Niagara County, PIN 5756.28 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80**%** Federal funds and 20**%** Non-Federal funds or 100**%** Federal funds, depending on the Source of Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the New York State Department of Transportation (NYSDOT) administered portion of the Right-of-Way phase of the project PIN 5756.28 .

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay the Non-Federal share of the cost of the NYSDOT administered portion of the Right-of-Way phase of the Project or portions thereof, with the Federal share of such costs to be applied directly by the NYSDOT pursuant to Agreement; and it is further

RESOLVED, that the sum of $ 86,052 is hereby appropriated from Casino Funds and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the Non-Federal share of the cost of the NYSDOT administered portion of the project's Right-of-Way phase exceeds the amount appropriated above, the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and it is further

RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls with the NYSDOT in connection with the advancement or approval of the Project and with the NYSDOT providing for the administration of the Project and the Municipality's funding of the local share of Federal-Aid Eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: ACQUISITION OF PROPERTY RELATIVE TO BUFFALO AVENUE RECONSTRUCTION, 2009-86

Agenda Item #23
Relative to approval of acquisition of property related to reconstruction of Buffalo Avenue between Veterans Drive and I-190
BY: All Council Members

WHEREAS, the City of Niagara Falls is currently progressing a project to reconstruct Buffalo Avenue between Veterans Drive and I-190; and

WHEREAS, the City of Niagara Falls is required to procure land to reconstruct said highway; and

WHEREAS, two parcels of land required for this project are owned by the State of New York through the New York State Department of Transportation; and

WHEREAS, maps of the required parcels of land have been completed by the City Engineer and reviewed and approved by the New York State Department of Transportation as to form; and

WHEREAS, these maps are noted as Map 5001-C, Parcel 5001 and Map 5001-C, Parcel 5002.

NOW THEREFORE BE IT RESOLVED that the City of Niagara Falls will assume ownership and maintenance responsibility of said parcels to construct said project; and

BE IT FURTHER RESOLVED that the City of Niagara Falls will continue to own and maintain Buffalo Avenue; and

BE IT FURTHER RESOLVED that the Mayor of the City of Niagara Falls is authorized to execute any agreements or documents necessary to effectuate the purposes of this resolution.

Yeas 5
Nays 0
ADOPTED

DEVEAUX STATE PARK RECREATION AREA

Agenda Item #24
RE: approval of funding for recreational area at DeVeaux State Park

The City is interested in pursuing participation with New York State for the enhancement of a recreation area at the Deveaux State Park which may include an outdoor ice rink. The City's contribution to this joint venture may be in the form of City owned equipment/fixtures that are presently not being utilized or in the form of a cash contribution not to exceed $20,000. Funding is available through casino revenues. Any agreement with New York State in this regard is subject to form and content to be approved by the Corporation Counsel.

Will the Council so approve?

Council Member Fruscione 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 Robins adjourned the Meeting at 8:05 p.m.

Carol A. Antonucci
City Clerk

OCTOBER 20, 2009

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The October 20, 2009 Budget Work Session of the Niagara Falls City Council was called to order at 4:13 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson Jr., Samuel Fruscione, Charles Walker - 4.
Absent: Councilman Steve Fournier

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

In discussing the Budget for the Law Department, Corporation Counsel Craig Johnson noted that he was encouraged by the Administration to increase the Travel & Training line for 2010. He also said that the amount spent for Outside Counsel/Consultants was well worth it; the Outside Consultants were retained to work on residency compliance and issues relating to the Comprehensive Zoning Plan. In response to Council Member Walker, Mr. Johnson said that the outside Counsel was used for litigation relating to the Detention Aides, the Water Board and the Niagara Falls Six.

Deputy Corporation Counsel Thomas O'Donnell and Administrative Assistant Ginny Tompkins-Burke spoke on the Risk Management Department. The Safety Officer is shared with the Water Board, the Travel & Training is used by the Safety Officer, and grants have been received that are used for training.

The Budget for the Department of Public Works was addressed by Director David Kinney and Deputy Director John Caso. Two positions in the Administration Division have been reclassified for 2010, and the current positions are being held in the Budget for $1 each, pending the results of the Civil Service test. The same person works as a temporary in both the Public Works and Parks Divisions, and the work involves data entry and report preparation. Some funding has been included for maintenance and cleaning at the former Public Safety Building; Fire Halls are maintained on a rotating basis (City Controller Maria Brown added that Casino funds are used for Fire Hall restorations); the overtime line for Trades has been increased; and, a computerized inventory for the Central Garage will be completed by the end of this year. Council Member Anderson suggested some type of covered enclosure for the new bucket truck and other new equipment. Chairman Robins stated that a variety of activities are needed to get more kids into the Parks. Mr. Kinney spoke on a tree plan. Mrs. Brown also added that there has been an increase in parking revenues for the Ramp due to the number of concerts downtown.

There being no further business to come before the Council, Chairman Robins adjourned the meeting at 5:30 p.m.

Carol A. Antonucci
City Clerk

October 20, 2009

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, October 21, 2009 at 4:00p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Act on Memorandum of Understanding Between the City of Niagara Falls and the New York State Division of Military and Naval Affairs.

Respectfully submitted,

_____
Chris Robins
Council Chair

_____
Robert Anderson, Jr.
Council Member

_____
Steve Fournier
Council Member

_____
Samuel Fruscione
Council Member

_____
Charles Walker
Council Member

Signatures on file in City Clerk's Office.

The October 21, 2009 Special Meeting was called to order by Chairman Robins at 4:04 p.m. in the Council Chambers.

Present: Council Members Steve Fournier, Samuel Fruscione, Charles Walker and Chairman Chris Robins. - 4
Absent: Council Member Robert Anderson, Jr. - 1

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

Council Chair Robins explained that this meeting was to approve a Memorandum of Understanding(on file in City Clerk's Office) between the City and the New York State Division of Military and Naval Affairs related to the use of 520 Hyde Park Blvd. for a training exercise and asked if there were any questions.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

MEMORANDUM OF UNDERSTANDING, NYS DIVISION OF MILITARY AND NAVAL AFFAIRS

Attached (on file in the City Clerk's Office) is a proposed Memorandum of Understanding between the City of Niagara Falls and the New York State Division of Military and Naval Affairs related to the use of 520 Hyde Park Blvd. for a training exercise.

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

Yeas 4

Fournier, Fruscione, Walker, Robins

Nays 0

Absent- Anderson

APPROVED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 4:08 p.m.

Carol A. Antonucci
City Clerk

OCTOBER 21, 2009

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The October 21, 2009 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 Chris Robins, Council Members , Steve Fournier, Samuel Fruscione, Charles Walker - 4.
Absent: Council Member Robert Anderson, Jr. - 1

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

Fire Chief William MacKay gave a presentation showing facts regarding the Fire Department statistics. The Niagara Falls Fire Department is the 182nd busiest department in the US. He also stated that over 50% of the firefighters have less than 5 years experience on the job. The Administrative budget reflected no personnel changes but funding for internet access. There is Web based training available and having access at each hall would eliminate crews being out of the station to go to class or bringing crews in on overtime.

In the firefighting line there is an increase in the protective clothing line as there is mandated replacement time periods for protective gear. Overtime is still an expense but has improved with the additional firefighters hired.

There is an increase in training in the Fire Prevention line due to an upcoming retirement.

Chief MacKay stressed the need to actively look at structure replacements and major repairs due to the age and conditions of several of the buildings. The monies allotted for building maintenance is not sufficient to keep the buildings up. Eliminating a firehall would reduce our rating and add to the cost of insurance coverage for homeowners.

City Administrator Owens said that the City is working on a plan under the Mayor's directive but no specifics are available at this time.

Robert Buzzelli from Engineering was available to answer any questions regarding the Engineering budget.

It was noted that most lines were in line with last year but that there were increases in the Parts, Travel & Training and Temporary lines. Mr. Buzzelli stated that he believed the last City Engineer had increased those lines because he was looking to upgrade a vehicle, travel to various seminars and possibly bring in temporaries or interns. Mr. Buzzelli said that at this time these were not items he would be looking into.

There being no further business to come before the Council, Chairman Robins adjourned the meeting at 5:03 p.m.

Carol A. Antonucci
City Clerk

The first session of the November 2, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:12 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member moved to approve the Minutes from the City Council Budget Meetings of October 13, 2009 and October 14, 2009 and Regular Meeting of October 19, 2009.

Yeas	5
Nays	0
	APPROVED

In the Administrative Update, City Administrator Donna Owens reported that:

1. RFQ's for the Hyde Park Golf Facility will be out shortly.
2. A letter went out today to the lessee of the Hyde Park Ice Rink regarding the cleanliness of the facility. Public Works Director David Kinney said that a water leak in the facility has been repaired. The Council commended City Controller Maria Brown and her staff for noticing the spike in water usage at the facility and that alerted City staff to the leak. Also, work continues on repairs at the facility.
3. Human Resources Director Joyce Mardon-Serianni reported that she is finalizing a schedule for Phase II for interviews in the hiring process for City Engineer, and references are being checked.
4. Sr. Project Designer Michael DeSantis of the Engineering Department said that the permit has been approved for the contractor to handle hazardous material for the Lewiston Road Project, and the Project should begin in two or three weeks.
5. Environmental Assistant Alan Nusbaum informed the Council Members that the City is waiting for results from FEMA on the City's appeal of the flood map design, and Council Member Fruscione asked that the residents affected be kept informed.

Mr. Kinney gave an update on the in-house paving program, and added that leaves are now being picked up, and each area of the City will be served more than once. In response to Council Member Anderson's question, Mr. Kinney said that Modern will pick up bagged leaves.

Fire Chief William MacKay spoke on recent fires in the City – two that were in abandoned buildings and one that was noticed by Firefighters who were doing routine work on the street.

The City's National Urban Fellow, Cathy Mays, gave the Council Members an update on her activities.

Mayor Paul Dyster commended Mr. Nusbaum and the Environmental Services Department for their work with FEMA regarding the flood map issues; noted that the playground at South Junior was close to a groundbreaking, and the equipment was expected to arrive in approximately three weeks; the Administration is waiting for a report from the City's consultant, DiDonato, regarding uses for the Hyde Park Ice Rink, and, a letter has been sent to the School Board regarding a capital project for the Rink.

The Mayor spoke on his attendance at the Mayor's Institute on City Design, and the City Administrator spoke on her attendance at the American Leaders for Change Conference. Both conferences concerned issues facing Cities, and were at no cost to the taxpayers.

Council Member Walker questioned staff involvement in grant writing, and the Mayor talked about the advantages of doing the work in-house, and commended Sherry Shepherd-Corulli for her efforts.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of a Resolution to be added to the Agenda relative to amending the City's Zoning Map.

Council Member Fruscione 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 #14.

Chairman Robins questioned if residents were notified or if any residents were present to address Agenda Item 8, relative to nomination of the Orchard Parkway/Chilton Avenue area as an Historic District. Mayor Dyster and Senior Planner Thomas DeSantis explained that this Agenda Item was to hire a consultant to assist the City and homeowners to begin the process.

This Session ended at 5:05 PM

Chairman Robins reconvened the Meeting at 7:03 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Chairman Robins and he then led the gathering in the Pledge of Allegiance to the Flag.

Chairman Robins asked those present to observe a Moment Of Silence in honor of Former City Clerk Elsie Paradise who had recently passed away.

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

Ron Anderluh	Agenda Items #6 & 7
Ken Hamilton	Agenda Item #6
Mary Richardson	Police Department Issues
Shirley Hamilton	Racial Issues in City
George Baldon	Minority Workers on Hope VI Project
Rev. Fred Chambers	Racial Issues in City
Ken Hamilton	Racial Issues in City
Gloria Dolson	Police Department Issues
Randy Ubriaco	Hyde Park Ice Rink Issues
Bill Bradberry	NAACP Issues

The following was RECEIVED AND FILED:
Agenda Item #1
City Clerk's Report for September, 2009.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SMITH & WESSON CORP.; SEMI-AUTOMATIC PISTOLS

Agenda Item #2

RE: Approval of Bid #40-09for semi-automatic pistols with trade-ins from Smith & Wesson Corp. for a total of $19,074.48

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

TO: Smith & Wesson Corp.
2100 Roosevelt Avenue
Springfield, MA 01104

FOR:			
167 ea. Smith & Wesson M & P 40, .40 S & W semi-automatic pistols with night sights and three 15-round magazines for each pistol:	$298.44 ea	$49,838.48
50 ea. Smith & Wesson M & P 40, .40 S&W, 15 round magazines:	16.50 ea	825.00
162 ea. Trade-ins of Smith & Wesson SW40E, semi-automatic pistols with night sights and three high capacity law enforcement magazines for each pistol:	195.00 ea	-31,590.00
TOTAL:		**$19,074.48**

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 five (5) vendors. The above referenced company submitted the only bid.

Funds for this expenditure are available in Grant code: S3120.2816.0250.001.

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: UNITED WAY; HOLIDAY FESTIVAL OF LIGHTS

Agenda Item #3

RE: Approval of agreement with United Way of Niagara to use Hyde Park facilities for festival of Lights

Attached(on file in City clerk’s Office) is the proposed License Agreement to allow the United Way to use facilities at Hyde Park for the Holiday Festival of Lights.

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

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

Yeas	5
Nays	0
	APPROVED

ENCROACHMENT: WALNUT AVENUE, NFMMC

Agenda Item #4

RE: Approval of encroachment in Walnut Avenue Right-of-way for Memorial Medical Center to place Bollards on Walnut Avenue

The City has received a request from Niagara Falls Memorial Medical Center to place bollards in the Walnut Avenue right-of-way adjacent to two National Grid poles next to the hospital. A Homeland Security Grant that the hospital has received will fund this.

The appropriate departments have reviewed this request and there is no objection to the placement of the bollards. It is on the October 28 Planning Board Agenda for recommendation to Council.

The hospital will be required to indemnify the City from any liability due to the placement of the bollards and will name the City as an additional insured on its liability insurance.

In addition, the hospital will have to comply with any requirements imposed by either National Grid or the New York State Department of Transportation, which has jurisdiction on Walnut Avenue.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: MARK CERRONE INC., OLD FALLS STREET-WEST MALL PROJECT, CHANGE ORDER #3

Agenda Item #5

RE: Approval of Change Order #3 to contract with Mark Cerrone, Inc. or Old Falls Street-West Mall Project

The contract for the above referenced project was awarded to Mark Cerrone Inc. 2368 Maryland Avenue, Niagara Falls, NY 14305 on September 29, 2008 in the amount of $4,376,043.00.

Subsequent to the start of work for Phase II of this project, there was a delay to the start of demolition work for the Wintergarden caused by the previous owner’s failure in closing on a prescribed date. The delay has impacted the finish date of phase II of this project. An extension of forty five (45) working days, rather than a new arbitrary completion date, was agreed upon by the Contractor (Mark Cerrone Inc.), USAN (Funding Source) and the City of Niagara Falls.

This No Cost Change Order #3 will allow the contractor the necessary working days to complete construction that cannot take place during the winter months. It allows the completion date and all associated bonuses and penalties to be moved to the Spring of 2010.

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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

HARD ROCK NEW YEAR'S EVE EVENT, FUNDING

Agenda Item #6

RE: Approval of funding, not to exceed $50,000.00, for City participation in Hard Rock New Year's Eve Event

The City's participation in the Hard Rock Concert Series this past summer proved successful in several different ways including the generation of substantial amounts of revenue in the City's parking ramp. The City has the opportunity once again to participate in a Hard Rock event to be held on December 31, 2009 (New Year's Eve). The location of this event is presently speculated to be at the mall downtown near the Hard Rock. City officials are currently in discussions with Hard Rock representatives to work out the details. The cost to the City is presently estimated not to exceed $50,000. Funding for the City's participation in this event is available from 2008 Casino spending plan. The form and content of any agreement with the Hard Rock for this New Year's Eve event is subject to approval of the Corporation Counsel.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: SCOTT LAWN YARD, INC., COMMUNITY DEVELOPMENT DEMOLITIONS

Agenda Item #7

RE: Approval of contract with Scott lawn Yard, Inc. for Community development demolitions in the amount of $442,600.00

The following bids were received by the Department of Community Development on October 13, 2009 for the demolition of nineteen (19) structures identified on the attached list.

CONTRACTOR	**BID AMOUNT**
Scott Lawn Yard, Inc. .	$422,600
Empire Dismantlement Corp.	$478,800
Mark Cerrone, Inc.	$517,234
Cambria Contracting, Inc.	$830,500

It is our recommendation that a contract be awarded to the low bidder, Scott Lawn Yard, Inc., at their base bid amount of $422,600. Funding is available in the following budget codes:

CDR199 (CDBG)	$200,000	
H0910.2009.0910.0449.599(Casino Revenue)	$122,600	
MRV099 (Misc. Revenue)	$100,000	(reimbursed with NYS NSP Funds)
Total	$422,600	

Will the Council vote to award contract CD2009-2 to Scott Lawn Yard, Inc. and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: CLINTON BROWN COMPANY ARCHITECTURE, P.C.; ORCHARD PKWY/CHILTON AVE HISTORIC DISTRICT NOMINATION

Agenda Item #8

RE: Approval of agreement with Clinton Brown Company Architecture, P.C. to perform services not to exceed $13,150.00 to prepare for nomination of Orchard Parkway/Chilton Avenue as Historic District

In June of 2009, New York State approved a new Rehabilitation Tax Credit for Homeowners in State or National Register historic districts (or buildings). This program, notwithstanding other federal programs, is specifically intended to provide a 20% tax credit up to a maximum of $50,000 to assist homeowners in the rehabilitation and/or renovation of their historic properties.

The 2005 Historic Resources Survey identified Orchard Parkway/Chilton Avenue as a potential State or National Register Historic District. In order to take advantage of these new tax credits it will be necessary to successfully nominate Orchard Parkway/Chilton Avenue as a State or National Register Historic District.

The City has funding in the amount of $13,150.00 from 06-07 Economic Development Casino Funds.

The City has received a proposal by Clinton Brown Company Architecture to undertake the necessary research, education of property owners with respect to Historic Preservation generally, and New York State Tax Credits Programs specifically, and soliciting the input of affected residents in forming a recommendation prior to making a formal application to the New York State Historic Preservation Officer (SHPO) for a State and/or National Register Historic District designation.

Will the Council authorize the City to enter into an Agreement with Clinton Brown Company Architecture, P.C. to perform these services in an amount not to exceed $13,150.00 and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Council?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: PRESERVATION STUDIOS, LLC; PARK PLACE/FOURTH STREET HISTORIC DISTRICT PRESERVATION

Agenda Item #9

RE: Approval of agreement with Preservation Studios, LLC to perform services not to exceed $6,250.00 to prepare for nomination of Park Place/Fourth Street District as Historic District

In June of 2009, New York State approved a new Rehabilitation Tax Credit for Homeowners in State or National Register historic districts (or buildings). This program, notwithstanding other federal programs, is specifically intended to provide a 20% tax credit up to a maximum of $50,000 to assist homeowners in the rehabilitation and/or renovation of their historic properties.

The 2005 Historic Resources Survey identified Park Place/Fourth Street as a potential State or National Register Historic District. The Park Place Historic District is a Locally-Designated Historic District. In order to take advantage of these new tax credits it will be necessary to successfully nominate Park Place/Fourth Street as a State or National Register Historic District. The City has funding in the amount of $6,250.00 from the 06-07 Economic Development Casino Funds.

The City has received a proposal by Thomas J. Yots of Preservation Studios LLC to undertake the necessary research, education of property owners with respect to Historic Preservation generally, and New York State Tax Credits Programs specifically, and soliciting the input of affected residents in forming a recommendation prior to making a formal application to the New York State Historic Preservation Officer (SHPO) for a State and/or National Register Historic District designation.

Will the Council authorize the City to enter into an Agreement for these services with Preservation Studios, LLC in an amount not to exceed $6,250.00 and authorize the Mayor to execute an Agreement 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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK
The following was RECEIVED AND FILED

Agenda Item #10

RE: Mayor's approval of resolution 2009-83 relative to Chapter 1121 of the Codified Ordinances entitled "Signs & Billboards" and resolution 2009-84 relative to Chapter 173 of the Codified Ordinances entitled "Leave of Absence without Pay" approved by Council on October 19, 2009.

SECONDHAND DEALER LICENSE: TERRY'S FLEA MARKET

Agenda Item #11

RE: Approval of application for secondhand Dealer license for Terry's Flea Market

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 has submitted application for secondhand dealer license. This application has been approved by the N.F. Police Department.

Terry's Flea Market - 739-19th Street

Will Council so approve?

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: MAIN STREET BUSINESS & PROFESSIONAL ASSOCIATION'S AWARDS DINNER, 2009-87

Agenda Item #12

Relative to Main Street Business & Professional Association's Annual Awards Dinner

BY: All Council Members

WHEREAS, on November 13th, 2009, the Main Street Business and Professional Association will hold its annual dinner; and

WHEREAS, **Beeton's Cyclery** will be honored as the Business of the Year; and

WHEREAS, **Donald Masocco** will be honored as the Business Person of the Year; and

WHEREAS, **Janelle Jenss Montazolli** will be the recipient of the George Kurtzman Award; and

WHEREAS, **Michele Vanstrom** will be the recipient of the President's Distinguished Service Award; and

WHEREAS, **Sister Barbara Pfohl** will be the recipient of the Michael A. Brundidge Community Service Award; and

WHEREAS, **HSBC Bank Main Street Branch** will be the recipient of the Rainbow Award; and

WHEREAS, **the Niagara Beautification Commission and Niagara Habitat for Humanity** will be the recipients of the Beautification Award; and

WHEREAS, **Rev. Calvin Babcock and Thomas DeSantis** will receive Special Recognition Awards; and

WHEREAS, **Dale Campbell**, **Sister Beth Niederpruem and Jessica Trainor** will be the recipients of Angel Awards.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the Main Street Business and Professional Association's 2009 Annual Awards Dinner.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: HIGHLAND COMMUNITY AREA & BUFFALO AVENUE INDUSTRIAL CORRIDOR PROJECTS, FUNDING APPLICATION, 2009-88

Agenda Item #13

Relative to funding application for Highland Community Area & Buffalo Avenue Industrial Corridor Projects

BY: Council Chairman Chris Robins

Council Member Charles Walker

WHEREAS, the City's goals are for understanding potential impairment issues, performing remediation, redeveloping and reusing Brownfield areas; and

WHEREAS, under previous and existing EPA Brownfield Redevelopment Assessment Pilot Programs, the City of Niagara Falls has completed several environmental assessments of brownfields in the Highland Area, and parts of the Buffalo Avenue Industrial Corridor, including the completed Master Redevelopment Plan for the Highland Area; and

WHEREAS, The City is currently an active participant in the Department of State's Brownfield Opportunity Program with a Step1 Pre-Nomination Study in the Buffalo Avenue Industrial Corridor and a Step 2 Nomination Study in the Highland Area; and

WHEREAS, New York State's Department of State, in conjunction with the Department of Environmental Conservation, administers the Brownfields Opportunity Area Grant program for assessing these impaired areas as well as developing full remediation, redevelopment and implementation plans; and

WHEREAS, the two selected areas for this Brownfields Opportunity Area Grant (the Highland Area and the Buffalo Avenue Industrial Corridor) are specifically identified as priority project areas in the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council strongly supports the City's continuing participation in the New York State Brownfield Opportunity Area program in achieving the goal of brownfield redevelopment, and hereby authorizes the administration to make application for funding the next steps.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: AMENDING OFFICIAL ZONING MAP, 2009-89

Agenda Item #14

Relative to amending the official Zoning Map

BY: Council Chairman Chris Robins

WHEREAS, the Niagara Falls Planning Board has received a request to rezone certain property; and

WHEREAS, the Planning Board held a public hearing on such request and has voted to recommend this change to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the boundaries shown on the City's Zoning Map is hereby amended to change the property located at 550, 552 and 562 Tenth Street, Niagara Falls, New York (SBL #159.22-3-16, 159.22-3-18 and 159.22-3-17, respectively), from its current classification district of Multi-family Residential (R3-B) to Institutional (INS).

Yeas	4
Nays	0
	ADOPTED

Council Member Walker Abstained

There being no further business to come before the Council, Chairman Robins Recessed the Meeting at 8:05 p.m. until Thursday November 5, 2009 at 4:00 p.m. to discuss the Inspection Department's Budget.

Carol A. Antonucci
City Clerk

NOVEMBER 5 , 2009

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The November 5, 2009 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 Chris Robins, Council Members Robert Anderson Jr., Steve Fournier, Samuel Fruscione, Charles Walker - 5.

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

Mayor Paul Dyster explained his proposed changes in reorganizing the Inspections Department, including changing the name to Department of Code Enforcement. The Mayor noted that a major concern for the City is the number of dilapidated/vacant buildings, and the proposed reorganization will begin the process to address this issue. The Administration worked with Acting Building Commissioner Dennis Virtuoso to structure the reorganization within the amount budgeted for 2010. Some of the changes included: changing the title and upgrading the Building/Housing Inspectors to Code Enforcement Officers; adding an additional position of Code Enforcement Officer and a Secretary to work in the downtown area and with these salaries to be paid with Casino funds; changing the work day for staff in the Department from 7 hours a day to 8, which will allow time for additional inspections to be done; and upgrading the Project Manager and assigning additional duties to him.

Mr. Virtuoso has been working with Judge Merino at the City Court to reimburse the City for expenses incurred to address code violations. This will bring in additional revenue to the City, and offset the costs of the proposed changes in the Department.

City Controller Maria Brown responded to Chairman Robins that building permit revenue is down in the Department, but revenue for plumbing & electrical permits is up, so, by the end of the year, the total permit revenue may only show a small shortfall.

Corporation Counsel Craig Johnson informed the Council Members that he is in contact with the FBI but has no new information relative to three employees of the Department who are on paid administrative leave. The Mayor added that temporary funds will be used to fill these positions at the beginning of 2010, and, if the issue is still not resolved when the temporary funds are depleted, he will come back to the Council for additional funding.

There being no further business to come before the Council, Chairman Robins adjourned the meeting at 4:45 p.m.

Carol A. Antonucci
City Clerk

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November 5, 2009

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 9, 2009 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 the Proposed Community Development Budget.
2.

Respectfully submitted,

_____
Chris Robins, Council Chair

Signatures on file in the City Clerk's Office.

Start: 4:05 PM

Present: All

Also Present: Mayor, Administrator, Controller, Corporation Counsel, Deputy Corporation Counsel

Council Member Anderson questioned the expenditure of $100,000 for the elevator at the Niagara Arts and Cultural Center, and Community Development Director Robert Antonucci explained that the elevator was non-ADA compliant. Corporation Counsel Craig Johnson added that an amendment to the Community Development Budget had been proposed to move a $65,000 payment to Planned Parenthood to the Demolitions line.

Agenda Item:

Attached(On file in City Clerk's Office) is a copy of the proposed 2010 Community Development Department project budget and a detail of administrative and program delivery costs. City Council has previously received a copy of the 5-Year Strategy and Annual Plan. The proposed budget is part of the City's 2010 Consolidated Annual Plan and Strategy, a HUD mandated planning document that assesses community needs and identifies how the City will address those needs.

The 2010 Annual Plan is the end result of a lengthy and detailed citizen participation process that included neighborhood based meetings designed to encourage comments, suggestions and ideas from various community groups, residents, businesspersons and other interested parties. The planning process began in July and concluded with the expiration of the public comment period on October 16, 2009.

A public hearing was held in the City Council Chambers on September 17, 2009 to review the specifics of the plan and the proposed 2010 budget. A copy of the public hearing minutes and the City's response to comments received during the 30-day comment period are included with this agenda item.

The Department of Community Development will directly administer the federal grant programs listed below. The funding levels indicated are projected revenues for 2010 that may change once Congressional funding appropriations are announced.

Community Development Block Grant	$ 2,520,000
CDBG Program Income	315,000
HOME Investment Partnership Program	640,000
HOME Program Income	75,000
Emergency Shelter Grant	110,000
Section 8 Leased Housing Program	3,125,000
PROJECTED FEDERAL REVENUE	$6,785,000

The Consolidated Plan, including the proposed budgets, must be adopted by City Council and submitted to the U.S. Department of Housing and Urban Development by November 17, 2009. HUD must review and approve the Consolidated Plan in order to establish our letter of credit with the US Treasury. Therefore, Council's approval at this time will represent the officially adopted Community Development, HOME and Emergency Shelter budgets for FY' 2010. The Section 8 Leased Housing Budget is renewed automatically by HUD but must be adopted at this time by City Council.

Will Council vote to so approve the 5-Year Strategy & 2010 Annual Plan & Budget and authorize the Mayor to implement all activities specifically identified in the 2010 plan? If an activity needs to be funded during the program year that is not specifically identified in the plan, we will return to Council for approval of that activity.

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

Council Member Fournier moved that the communication be amended by transferring $65,000.00 from Planned Parenthood to the demolition line.

Yeas 4

Anderson, Fournier, Fruscione, Robins

Nays 1

Walker

APPROVED

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

Yeas 5

Nays 0

APPROVED

At 4:10 PM, Council Member Fruscione moved for an Executive Session to discuss pending litigation, and his motion was unanimously approved. The Executive Session ended at 4:38 PM when the motion of Council Member Fruscione was unanimously approved.

Carol A. Antonucci
City Clerk

The first session of the November 16, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Samuel Fruscione, Charles A. Walker - 4.
Absent: Council Member Steve Fournier - 1

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

Council Member Fruscione moved to approve the Minutes from the City Council Budget Meetings of October 20, 2009, October 21, 2009 and November 5, 2009, Special Meetings of October 21, 2009 and November 9, 2009 and Regular Meeting of November 2, 2009.

Yeas	4
Nays	0
	APPROVED

Corporation Counsel Craig H. Johnson introduced members of the Attorney General's staff who have been working in the City to address discrimination in employment policies and procedures relative to City workers, and have helped the City to formulate a written policy. Mayor Paul Dyster thanked them for their work on the policy, and noted that additional funding was recommended for the Human Rights Commission to work in conjunction with an Equal Employment Opportunity Officer to be hired by the City.

The Mayor expressed condolences to the families of two fire fatalities and a vehicular fatality that occurred over the weekend. Chairman Robins commended Fire Chief William MacKay for the work done by his Department.

The Mayor also spoke on the groundbreaking for the playground at the former South Junior School site; the ribbon cutting at Stephenson Park and the visit of Senator Charles Schumer to support the Culinary Institute and downtown development by Howard Milstein.

In the Administrative Update, the Mayor reported that:
1. A meeting was held with representatives of the Board of Education relative to the Hyde Park Ice Rink, and funding for the Project from NYPA and NYSERDA was also being sought.
2. Candidates for the City Engineer position are being interviewed.
3. The materials for sewer and water lines have been ordered for the Lewiston Road Project.
4. Environmental Assistant Alan Nusbaum said that he was finalizing a letter to be sent to residents and others regarding the FEMA flood map, and Council Member Fruscione asked that he be copied on the letter.
5. City Administrator Donna Owens added that she has been working with the Trades Department on the design and completion of a memorabilia display case, and the cost to complete the project in-house is estimated to be approximately $1,500 - $2,000.

Chairman Robins inquired about the progress of leaf pickup, and Director of Public Works David Kinney responded that additional rounds of the neighborhoods in the City will be made, and City Administrator Owens added that the plan is to cover each neighborhood three times.

Chairman Robins said that he had received inquiries from persons interested in operating the Golf Dome, and Purchasing Agent Dean Spring requested that the persons be referred to him.

A lengthy discussion was held with City Controller Maria Brown on funding the Library.

Mr. Johnson distributed copies of a Resolution to be added to the Agenda relative to closing the local National Fuel Customer Assistance Center.

Council Member Fruscione moved to add the Resolution to the Agenda.

Yeas	4
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #12.

The Council Members requested that the Mayor and Administrator also add their support to the Council's action.

Council Member Walker questioned the total amount for sidewalk replacements (Agenda Item #3), and Mrs. Brown said that she will check with the Engineering Department to get the correct figure.

Council Member Anderson asked why the stipends being paid to staff from the Inspections Department who were on administrative leave were now being removed, and Mayor Dyster responded.

Council Member Walker asked why Historic Landmark Designation was being requested for 533 Tenth Street, but there was no one present who could respond.

This Session ended at 5:00 PM

Chairman Robins reconvened the Meeting at 7:07 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.

Before the speakers, Chairman Robins asked for a Moment of Silence for the victims of the weekend fire.

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

Michael Parsnick	Agenda Item #11
Thomas Yots	Agenda Item #11
Bill Bradberry	Agenda Item #6
Vince Sandonato	Thanks for Stephenson Ave. Park Improvements
Rev. Fred Chambers	Problems in City
Yvonne Taylor	Leaf Pickup;Dilapidated properties;Hope VI Projec
Gloria Dolson	Congratulations to CouncilMembers Walker & Fruscione;police Dept. Issues;glad to see Mayor at Meeting

The following were RECEIVED AND FILED:

Agenda Item #1
Claim's Report for October, 2009.

Agenda Item #2
City Clerk's Report for October, 2009

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: VALERI CONCRETE CONSTRUCTION, INC., CHANGE ORDER, SIDEWALKS

Agenda Item #3

RE: Approval of Change Order #1 to contract with Valeri Concrete Construction, Inc. for sidewalk replacements for an additional $57,192.00

A contract for the above referenced project was awarded to Valeri Concrete Construction, Inc., 6655 Errick Road, North Tonawanda, New York on May 4, 2009 in the amount of $250,000.00. Please note all costs are totally reimbursable by New York State CHIPS Funds.

Subsequent to the start of the project the City requested additional sidewalk to be placed at two specific locations – 2nd Street and Linwood Avenue. The costs associated with the additional sidewalk requested is $57,192.00 bringing the contract total to $307,192.00

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 Fruscione moved to amend the communication by correcting contract total to $250,000.00

Yeas 4
Nays 0
AMENDED

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

Yeas 4
Nays 0
APPROVED

CONTRACT: W.N.Y. BUS PARTS, PRISONER TRANSPORT VEHICLE

Agenda Item #4

RE: Approval of Bid #41-09 for prisoner transport vehicle fromm W.N.Y. Bus Parts for a cost of $95,672.00

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

TO: W.N.Y. Bus Parts
dba Gorman Enterprises
691 Bullis Road
Elma, NY 14059 .

FOR: One (1) Prisoner Transport Vehicle: $95,672.00

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 six (6) vendors. Three (3) bids were received. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the 2008 Capital Budget code: H0816.2008.0816.0230.000.

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

Yeas 4
Nays 0
APPROVED

INSPECTIONS: STIPEND REMOVAL, ELECTRICAL & PLUMBING

Agenda Item #5

RE: Approval to remove stipends in the amount of $1,200.00 from Chief Plumbing Inspector and Electrical Inspector in the Inspections Department

Please recall that as a result of the investigation of the City's Inspections Department by the Federal Bureau of Investigation (FBI), Chief Plumbing Inspector George Amendola and Chief Electrical Inspector Peter Butry have been placed on paid administrative leave. Mr. Amendola and Mr. Butry were each paid annual stipends in the amount of $1,200 over and above their salaries to compensate them for attendance at meetings of the Board of Plumbing and the meetings of the Electrical Board, respectfully. This also includes time spent on correspondence, preparation of licensing exams as well as the administration and grading of those exams. As these individuals are not performing those duties currently it would appear that these stipends should be removed for each of them.

Will the Council so approve?

Council Member Fruscione moved that the communication be Tabled

Yeas	4
Nays	0

TABLED

AGREEMENT ON CONSENT, EMPLOYMENT PRACTICES

Agenda Item #6

RE: Approval of Agreement on Consent relative to policies and procedures concerning employment practices

As you are aware, representatives from a State Investigatory Agency have been reviewing City policies and procedures concerning employment practices, etc. for quite some time. This process has now reached a conclusion and the City will be implementing new policies and procedures to address identified deficiencies in existing practices. An Agreement in the form of a fully negotiated Order on Consent is being developed and will be finalized in a form and substance satisfactory to the Corporation Counsel.

Will the Council so authorize and approve the Mayor's execution of this Order on Consent?

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

Yeas	4
Nays	0

APPROVED

CONTRACT: KTA PRESERVATION SPECIALISTS, HISTORIC PRESERVATION WORKSHOPS

Agenda Item #7

RE: Approval of agreement with KTA Preservation Specialists to conduct four Historic Preservation Workshops at a cost of $7,000.00

The City received a $7,000.00 State Certified Local Government grant to defray a portion of the costs of conducting workshops to demonstrate historic restoration methods. We have received a proposal from Kerry L. Traynor d/b/a KTA Preservation Specialists, to conduct the workshops.

PROPOSAL FROM KTA PRESERVATION SPECIALIST

Historic Restoration Workshops Proposal

Conduct four workshops of approximately two hours each, covering tax credits and vinyl siding, restoring wooden windows, masonry and mortar joints, and exterior porches, carpentry and siding $4,000.00

Hire contractors to demonstrate methods	2,000.00
Building materials	+ 1,000.00
TOTAL	$7,000.00

The City will provide in-kind services in connection with the workshops, as required by the grant. The CLG grant will be used to pay the costs as set forth above. The City has worked with KTA Preservation Specialists in the past, especially in connection with Customs House matters. The Customs House may be the site of one or more of the workshops.

Will the Council vote to approve hiring KTA Preservation Specialists to conduct the historic restoration methods workshops at a cost not to exceed $7,000.00 as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	4
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY CORPORATION COUNSEL

CLAIM: JOSEPH PAULK, EMMET COX, RICHARD HILL, WILLIAM C. WILSON, BRUCE A PALMER, HUGH E. LEFTWICH

Agenda Item #8

RE: Approval to settle and pay claim of Josph Paulk, Emmet Cox, Richard Hill, William C. Wilson, Bruce A. Palmer and Hugh E. Leftwich in the amount of $240,000.00

Date Claim Filed:	June 24, 2003
Date Action Commenced:	November 12, 2003
Date of Occurrence:	Various dates from 2000 to present.
Location:	Various locations in the City of Niagara Falls.
Nature of Claim:	Discrimination.
Status of Action:	In litigation.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$240,000.00
Make Checks Payable to:	See attached(on file in City Clerk's Office) Schedule A.
Conditions:	General Releases to City and executed Settlement Agreement, 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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

Council Member Anderson commended the Mayor and the Attorney General for their help in resolving this issue.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

The following was RECEIVED AND FILED

Agenda Item #9

Mayoral approval of Resolution 2009-89 amending Zoning Map approved by City Council on November 3, 2009

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #10

RE: Approval of Commissioner of Deeds appointments for a term from January 1, 2010 to December 31, 2011

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2010 to December 31, 2011.

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

Conti, John	NFPD
Jaroszewski,Mark	NFPD
Volk, Thomas	NFPD
Anello, Vincenette	2451 Independence Ave., Niagara Falls, NY 14301
Comfort, James D.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Corsaro, Candace J.	1826 North Ave., Niagara Falls, NY 14305
Daniels, Lora	7105 Colonial Dr., Niagara Falls, NY 14305
Doty, Clyde W.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Franz, Thomas	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Heim, Kathleen	2851 Stenzel Ave., North Tonawanda, NY 14120
Kurilovitch, Theresa	9311 Niemel Drive, Niagara Falls, NY 14304
Marcyan, John L.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Mikula, John Jr.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Nisbet, Brian P.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Radwanski, Peter A.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Riddle, James W., Jr.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Tyson, Charletta	1744 Tennessee Ave., Niagara Falls, NY 14305
Weigel, Jennifer L.	625-3rd Street, Niagara Falls, NY 14301

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

Yeas 4

Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE HISTORIC PRESERVATION COMMISSION

533 TENTH STREET, EVELYN APARTMENTS

Agenda Item #11

RE: Approval of Historic Landmark designation for 533 Tenth Street, Evelyn Apartments, building exterior

Attached(on file in City Clerk's Office) is the report and November 4, 2009 resolution from the Niagara Falls Historic Preservation Commission recommending designation of 533 Tenth Street, the Evelyn Apartments, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the building exterior. This proposed designation was approved with the participation of the building owner.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the designation of the exterior of 533 Tenth Street, the Evelyn Apartments, and forward the designation to the Mayor for approval, as provided by City Ordinance?

Council Member Fruscione moved that the communication be TABLED.

Yeas	4
Nays	0
	TABLED

RESOLUTION: NATIONAL FUEL CUSTOMER ASSISTANCE CENTER, 2009-90

Agenda Item #12

Relative to the closing of the National Fuel Customer Assistance center

BY: All Council Members

WHEREAS, on November 4th, 2009, National Fuel Gas Distribution Corporation announced that its Customer Assistance Center (CAC) located at 6250 Packard Road will permanently close at the end of business day on Thursday, December 31, 2009; and

WHEREAS, the accounts handled from this office will be serviced by the Company's Customer Assistance Center located at 455 Main Street in Buffalo, New York; and

WHEREAS, while National Fuel states that this action is in keeping with the Company's mission to reduce costs, we feel that this will be a hardship on the residents of the Town of Niagara and the City of Niagara Falls, especially during the winter months; and

WHEREAS, the options available to the customers accustomed to paying their bills at the Niagara Area Customer Assistance Center office are unacceptable especially for the low-income and senior citizen residents of our city and will force them to seek assistance beyond the city limits. This is a disadvantage to our citizens and we ask National Fuel Corporation to keep the Niagara Area Customer Assistance Center open on Packard Road.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York absolutely opposes the closing of the Niagara Area Customer Assistance Center and asks National Fuel to reconsider this decision.

Yeas	4
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci
City Clerk

NOVEMBER 19 , 2009

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The November 19, 2009 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 Chris Robins, Council Members Robert Anderson Jr., Steve Fournier, Samuel Fruscione, Charles Walker - 5.

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

Chairman Robins explained the Budget process before the Council Members began voting on amendments to the Mayor's Proposed 2010 Budget.

Mayor Paul Dyster responded to Chairman Robins that the Administration would meet with the Library Board to discuss their Budget. Chairman Robins asked that a Council Member be included in the discussion, and said that, for the time being, since the Library did not have a Director, the budgeted amount for the Library would remain the same.

Chairman Robins also added that additional funding for the EEOC position would be added.

Chairman Robins expressed the Council's appreciation to City Controller Maria Brown for her help during the entire Budget process, and especially at this time, when her family is grieving the loss of a family member.

The Council adopted 81 Budget Amendment Resolutions.

There being no further business to come before the Council, Chairman Robins adjourned the meeting at 4:45 p.m.

Carol A. Antonucci
City Clerk

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NOVEMBER 24 , 2009

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The November 24, 2009 Budget Work Session of the Niagara Falls City Council was called to order at 4:06 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson Jr., Steve Fournier, Samuel Fruscione, Charles Walker - 5.

Also present: Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O' Donnell, and Sr. Auditor Sandy Peploe for Controller Maria Brown.

The Council adopted 2 Budget Amendment Resolutions.

There being no further business to come before the Council, Chairman Robins recessed the meeting at 4:10 p.m. until Monday, November 30, 2009 at 3:45 p.m.

Carol A. Antonucci
City Clerk

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NOVEMBER 30 , 2009

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The November 30, 2009 Recessed Budget Work Session of the Niagara Falls City Council was called to order at 3:52 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson Jr., Steve Fournier, Samuel Fruscione, Charles Walker - 5.

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.

The Council adopted 22 Budget Amendment Resolutions.

RESOLUTION: ADOPTING PROPOSED 2010 BUDGET WITH AMENDMENTS, 2009-91
By: All Council Members

WHEREAS, on October 1, 2009, the Mayor duly presented this Council with the Proposed Executive Budget for 2010, including a capital plan; and

WHEREAS, the required public hearing on said proposed executive budget was held on October 19, 2009, at which the Council and the City Controller were present, notice of which was published on October 10, 2009; 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, 2009;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls, New York, that the Proposed Executive Budget for 2010 is hereby adopted as amended, which amendments, identified as budget resolutions numbers 1 through 105 inclusive, numbers 13, 16, 40, 41, 68, 69, 77, 78, 82, 83, 84, 89, 91, 95, 98 and 101 requiring no action by the Mayor, are attached hereto and made a part hereof; 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, 2009; 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 seven million, three hundred seventy four thousand, two hundred thirty five and no/100 ($27,374,235.00) Dollars 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.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Robins adjourned the meeting at 4:09 p.m.

Carol A. Antonucci
City Clerk

The first session of the November 30, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:10 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of November 16, 2009 and Budget Meetings of November 19, 2009 and November 24, 2009.

Yeas	5
Nays	0
	APPROVED

Pastor Richard Hague gave the Annual Report for the Human Rights Commission. He noted that all incident reports are up over 200%, and asked that the EEOC position have a line item Budget.

In the Administrative Update, Mayor Paul Dyster reported that:

1. Human Resources Director Joyce Mardon-Serianni said that, unless it is decided to hold another round of interviews, an offer is pending to a candidate for the position of City Engineer. Chairman Robins inquired about the status of hiring for the EEOC position. Mrs. Mardon-Serianni informed the Council that the position was originally advertised as part time, then as a full time position. There were only a few qualified candidates who applied for the position, so the position was advertised again, and the deadline to apply is today. The position is classified as non-competitive, and the Administration is working with the Attorney General's Office to insure that the hiring is not politically motivated. The interview panel consists of the City Administrator, the Corporation Counsel and Mrs. Mardon-Serianni, and the chosen candidate's name will be submitted to the Attorney General for approval. The person in the EEOC position will report directly to the Mayor, as a separate Department.
2. Civil Engineer Robert Buzzelli reported that a meeting was held with the Department of Health, which had granted the permit for the contractor for the Lewiston Road Project to handle hazardous materials. A list of additional tasks was added to the Project by the Department of Environmental Conservation, and the Project is moving along.
3. The South Junior Park is under construction.
4. Public Works Director David Kinney said that paving is done for 2009; repairs to the west side of Porter Road are more complex than those to the east side; and leaf removal in the DeVeaux area has been completed. Chairman Robins asked that a method be developed to notify homeowners by phone of work in their area, and Mayor Dyster noted that advertising is already done in the press, on the radio and on television. Chairman Robins asked about maintenance on streets that have already been repaired, and Mr. Kinney responded that maintenance will start as soon as the weather permits.
5. Governor David Paterson attended the Globe ribbon cutting.
6. Dennis Mullen of Empire State Development is working with the Administration on the Culinary Institute Project.

7. Senator Charles Schumer is working with Mr. Milstein on downtown development.
8. The Grand Opening of the Rapids Theater will be this Friday.
9. Channel 2 News did a follow up to their Tale of Two Cities broadcast which was more favorable to the City.
10. The Holiday Lights opening was a success due to the many volunteers who worked on the displays.
11. A meeting with the Board of Education on the Ice Pavilion will be held on December 3.
12. Memorial Medical Center held a Press Conference to announce an Osteopathic Residency Program beginning in 2010.
13. The In Rem Auction will be held December 15 at Antonio's Restaurant.
14. A fundraiser will be held on December 18 for the family of two victims of a recent fatal fire.

City Administrator Donna Owens spoke on the first meeting of the Healthcare Task Force; the December 2 Tree Lighting at City Hall; the December 4 Holly Trolley that will go through the areas of the City; working with Department Heads on setting goals and objectives for 2010; and preparing for the Mayor's State of the City Address.

Council Member Anderson asked Mr. Kinney why traffic cones remain in the streets after work has been done. Mr. Kinney responded that the City has to wait to make repairs for work done by the Water Board until the Board notifies the City, and the cones mark hazards in the road that have to be fixed. Council Member Anderson suggested that a plan be worked on so that residents do not have to wait so long for the City to finish the repair work.

City Controller Maria Brown noted to the Council that funding still needs to be appropriated to the Code for the rental of snow removal equipment on an as needed basis (Agenda Item #5)

This Session ended at 5:05 PM

Chairman Robins reconvened the Meeting at 7:02 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier 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:

Gay Molnar	Agenda Item #7
Deborah Mellon	Zoning Issues
Jason Chilcote	Zoom Project Complaint
Mike Parsnick	Evelyn Apts. Historic Status
Tom Yots	Evelyn Apts. Historic Status
Andrea Rebeck	Evelyn Apts. Historic Status

Council Chairman Robins Acknowledged members of Cub Pack #816 who were present at the meeting.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONFLICT OF INTEREST DISCLOSURE-HOMELESS PREVENTION & RAPID RE-HOUSING PROGRAM

Agenda Item #1

RE: Acceptance as a Review and File of Possible Conflict of Interest Disclosure regarding Homeless Prevention & Raped Re-Housing Program

Attached(on file in the City Clerk's Office) is the November 20, 2009 memorandum from Richard Zucco to me concerning a potential conflict of interest issue in the Homeless Prevention and Rapid Re-Housing Program. Given the name and nature of the program ("rapid re-housing"), we will apply to HUD in advance for an exception to the conflict of interest provisions, should the problem arise.

We are bringing this to the Council's attention for your information, and for the purpose of making public disclosure of the potential conflict of interest and or our intention to seek this exception.

Will the Council accept this as a review and file matter?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: BOBCAT OF BUFFALO -UTILITY WORK MACHINES

Agenda Item #2

RE: Approval of Bid #44-09 to Bobcat of Buffalo for 2 4x4 Utility Work Machines at a cost of $78,198.00

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

TO: Bobcat of Buffalo
6511 South Transit Road
Lockport, NY 14094

FOR: Two (2) Bobcat 4x4 Utility Work Machines $39,099.00 ea. $78,198.00

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 eight (8) vendors. The above referenced company submitted the only bid.

Funds for this expenditure are available in budget code: A1620.2325.0230.000 and in the Capital budget code: H0912.2009.0230.000.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: GATEWAY EQUIPMENT CORP., ASPHALT FINISHER

Agenda Item #3

RE: Approval of Bid #42-09 Gateway Equipment Corp. for an asphalt paver with trade-in for a total of $319,500.00.

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

TO: Gateway Equipment Corp.
8033 Transit Road
East Amherst, Ny 14051

FOR:	One (1) Barber Greene Asphalt Paver:	$339,500.00
	Trade-in of one (1) 1986 model Barber Green asphalt paver:	- 20,000.00
	Total:	**$319,500.00**

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 four (4) vendors. Two (2) bids were received. The above referenced company submitted the only bid to meet our specifications.

Funds for this expenditure are available in H0912.2009.0912.0230.000.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: EMPIRE EMERGENCY APPARATUS, INC., AERIAL LADDER TRUCK

Agenda Item #4

RE: Approval of Bid #30-09 to Empire Emergency Apparatus, Inc. for an aerial ladder truck for a cost of $675,207.00

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 Aerial Ladder Truck:	$675,207.00

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 eleven (11) vendors. Three (3) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in H0817.2008.0817.0230.000.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: RENTAL OF SNOW REMOVAL EQUIPMENT, VARIOUS VENDORS

Agenda Item #5

RE: Approval of Bid #43-09 to various companies for rental of snow removal equipment

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

TO: Armand Cerrone, Inc.
4625 Witmer Road
Niagara Falls, NY 14305
FOR: Item #'s: 1-56, per the attached tally sheet.

TO: Niagara Lawn & Garden Equipment, Inc.
4835 Saunders Settlement Road
Niagara Falls, NY 14305
FOR: Item #'s: 4-7, 11, 12, 16, 17. 18-22, 31, 32, 36, 37, 41, 42, 48, 49, 55 & 56 per the attached tally sheet.

TO: Doran Trucking Co.
2520 Cayuga Street.
Niagara Falls, NY 14304
FOR: Item #'s: 8-12 and 14-17 per the attached tally sheet.

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 Seven (7) vendors. Three (3) bids were received. Unlike most bids in which the low bidder for each item is awarded the bid, we are asking you to award each item to all those vendors who bid on that item. By doing so, when snow removal equipment is needed, the City will have several sources from which to obtain equipment. The order in which vendors will be contacted will be based on their bid price.

Funds for this expenditure will be made available in the Department of Parks and Public Works, Snow Removal Equipment code: A5142.0000.0442.003.

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

Yeas 5
Nays 0
APPROVED

CONTRACT CHANGE ORDER #1: SCOTT LAWN YARD INC., SIDEWALK PAVERS, BOLLARD LIGHTING, LOT IMPROVEMENTS

Agenda Item #6

RE: Approval of change Order #1 to contract with Scott Lawn Yard Inc. at no additional cost

A contract for the above referenced project was awarded to Scott Lawn Yard Inc. on July 13, 2009 in the amount of $ 28,800.00.

During the course of work, it was deemed necessary to change the scope of electrical work to add additional lighting sufficient for a parking lot use to this project (+ $3,892.24). Subsequent work for top soil & seeding (- $3,900.00) was eliminated under this contract and additional lighting for the proposed new parking lot was substituted with no additional cost to the contract total.

It is the recommendation of the undersigned that Change Order #1 a no cost change of scope be approved.

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

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: GRANT TO AQUARIUM OF NIAGARA, 2009-92

Agenda Item #7
Relative to support for grant to expand and remodel the Aquarium of Niagara
BY: All Council Members

WHEREAS, the mission of the Aquarium of Niagara is to broaden the public's awareness of aquatic ecosystems through innovative and stimulating exhibits, displays, and educational and recreational programs that promote conservation and support research; and

WHEREAS, the Aquarium of Niagara opened on June 12, 1965 and it quickly became a model for the operation of inland aquaria. Technology was applied for the first time on a large scale in the preparation, handling and management of synthetic seawater; and

WHEREAS, the Aquarium of Niagara is a critical part of the City of Niagara Falls and has been approved in their Master Plan. A regional facility, the Aquarium reaches out to families, tourists and organizations and is open 363 days of the year; and

WHEREAS, the Aquarium of Niagara has applied for a grant from the Upstate Regional Blueprint Fund Grand from Empire State Development in the amount of $5M for design documents for the expansion and remodeling of the current Aquarium.

BE IT FURTHER RESOLVED that **the Niagara Falls City Council** realizes the importance of the Aquarium of Niagara to our tourists as well as residents and, therefore, supports the application of the Aquarium of Niagara's grant for expansion and remodeling of their facility.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: CALLING FOR PUBLIC HEARING, AMEND CITY CHARTER RE. "DEPARTMENT OF INSPECTIONS", 2009-93

Agenda item #8
Relative to calling for a public Hearing to amend the City Charter relative to Article XX entitled "Department of Inspections"
BY: Council Chairman Chris Robins

RESOLVED, that Local Law No. ____ for the year 2009 be introduced, and that a public hearing be held on such Local Law on the 14th day of December, 2009 at 7:00 P.M. 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 amending Article XX by changing the title of said Article from "Department of Inspections" to "Department of Code Enforcement" and by amending Section 510 entitled "Department of Inspections", Section 511 entitled "Building Commissioner, Powers" and Section 512 entitled "Electrical and Plumbing Inspections" of the City Charter, relative to changing "Director of Inspections" to "Director of Code Enforcement".

Yeas 5
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 7:25 p.m.

Carol A. Antonucci
City Clerk

DECEMBER 14, 2009

REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the December 14, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Fruscione moved to approve the Minutes from the Budget Meeting of November 30, 2009 and Council Meeting of November 30, 2009.

Yeas	5
Nays	0
	APPROVED

Mayor Paul Dyster thanked the Council Members for their work in adopting the 2010 Budget.

Donna DeCarolis, Vice President of National Fuel Gas Company, spoke on the closing of the company's Customer Assistance Center on Packard Road. Chairman Robins asked that the details in Ms. DeCarolis's presentation be made available to the public to help bring about a better understanding of the company's decision.

Arthur Dilbert, Partnership Specialist for the US Census Bureau, gave a brief update on the 2010 Census. He noted that the Census Bureau hires local people; does not share information, and that the Census workers will not be asking for any personal information that could be used for identity fraud. City Administrator Donna Owens added that the City has applied for a grant to fund a Census outreach to follow up after the first round of visits by Census workers to insure that all City residents are counted.

In the Administrative Update:

1. City Administrator Owens informed the Council Members that the hiring process for a City Engineer is in the second phase of interviews, a short list of candidates has been established, and the panel's choice should be announced within the next few weeks.
2. Civil Engineer Robert Buzzelli reported that the tree removal process has started and is continuing for the Lewiston Road Project, and the utilities will be next. The Project is weather dependent, but is still on the 28 month timeline.

3. Environmental Assistant Alan Nussbaum said that he is working on letters to be sent to residents in the FEMA Flood Map Zone, he is using a tentative Map, and expects to have a definitive map to use in February of 2010.

4. Mayor Dyster said that the Administration is still working with the Board of Education on the Hyde Park Ice Rink Project, and he expects work will start as soon as the season ends so that the Rink can be ready for the 2010 – 2011 season.

5. The Mayor informed the Council that a list of design requirements has been received from stakeholders relative to the Abate Basketball Courts, and the Project will have to be done in Phases. The packet of information on the design will be forwarded to the Council Members.

6. The Mayor noted that the City has a consultant under contract on the Project to repair the front steps at City Hall. Although a grant has been received to fund the Project, it is not enough to properly finish the Project. Mr. Buzzelli added that the Project will have to be done in two Phases.

7. The City is working with Wendel Duchscherer on the Veterans Memorial Project, and the Project is moving along.

Mayor Dyster said that he had been informed by the Governor's Office that the City will not be receiving the full amount of AIM funding that was expected at this time, and City Controller Maria Brown explained how adjustments would be made to allow for the decrease.

The Mayor also spoke on planning for the Bicentennial Celebration of the War of 1812, and Kevin Cottrell spoke on the first meeting of the Underground Railroad Commission.

City Administrator Owens added that the In Rem Sale would be held on December 15, and the Mayor's State of the City Address would be given on January 28 at the Conference Center.

Mrs. Brown also added that an accurate count of City residents for the 2010 Census was very important, as Sales Tax Revenues that the City receives are proportionate to the population. Mayor Dyster encouraged the Council Members to help get the message out to the residents.

Chairman Robins asked what the next step would be after the adoption of the Memorandum of Understanding for the Niagara Culinary Institute (Agenda Item #5), and the Mayor responded that this was non-binding on the City if the Project was not completed. The Mayor also commended those who worked together – the Council and Administration, the President of Niagara County Community College, and Cordish - to get the Project started.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of a Resolution relative to the reconstruction of Tenth Street to be added to the Agenda.

Council Member Fruscione 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 #14.

This Session ended at 5:05 PM.

Chairman Robins reconvened the Meeting at 7:06 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fruscione 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 relative to amending the City Charter relative to Article XX entitled "Department of Inspections". There were no speakers.

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

Frank Strangio	Agenda Item #12
Matthew Weber	Agenda Item #12
Randy Ubriaco	Agenda Item #12
Vince Mameli	Agenda Item #12
Carlos Hernandez	Agenda Item #12
Renae Kimble	Agenda Item #12
Michael Parsnick	Agenda Item #6
David Fabrizio	Veteran's Memorial update
Norma Fulp	Tourism issues
Maureen Fennie-Collura	Tourism Issues
Susan Woodward	Zoning Board issues
Deborah Mellon	Zoning Board & Planning Board Issues
Bill Bradberry	Humman Rights Commission issues;Walmart bus transportation issues;Fund raiser for fire victims family

The following was RECEIVED AND FILED:
Agenda Item #1
Claim's Report for November, 2009.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: YARUSSI CONSTRUCTION CO., CHANGE ORDER #1; STREET PROJECT

Agenda Item #2

RE: Approval of Change Order #1 to contract with Yarussi Construction Co. for street resurfacing project for an additional $95,253.70

A contract for the above referenced project was awarded to Yarussi Construction Co., Inc on September 8, 2009 in the amount of $668,361.00

Subsequent to the start of the project, extra costs associated with catch basin removal and replacement and the correction of non-compliant sidewalk access ramps were incurred by the contactor at the City's direction. Additionally, the City requested resurfacing operations be undertaken at City Parking Lot #9 and the adjacent alley, located at 8th Street and Linwood Avenue. The cost associated with all additional work is $95,253.70, bringing the final contract total to $763,614.70. Funding for this change order is available in the following budget codes:

$85,429.73 HO309.2009.0309.0419.006
$9,823.97 CD8.8693.0000.0450.500
$95,253.70 TOTAL CHANGE ORDER #1

Will the Council vote to so approve and authorize the Mayor to execute Change Order #1 in the amount of $95,253.70?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: MORRIS PROTECTIVE SERVICE, INC. SECURITY GUARD SERVICES, CORPORATION YARD

Agenda Item #3

RE: Approval of Bid #45-09 with Morris Protective Service, Inc. for security guard services at the Corporation Yard

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

TO: Morris Protective Service, Inc.
975 Hertel Avenue, 2nd Floor
Buffalo, NY 14216

FOR: Watchman services at the Corporation Yard.
Contract in effect thru December 31, 2010.
If mutually agreeable, it may be extended
thru December 31, 2011.
Estimated number of hours per year (8,760): $13.85/hr.

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 Eight (8) companies. Five (5) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Securitas Security Services USA, Inc. ($14.55/hr.), Command Security Corp. ($15.19/hr.), U.S. Security Associates, Inc. ($15.44/hr.) and Sentrex Security, Inc. ($15.49/hr.).

Funds for this expenditure are available in the Public Works Department, Administration code: A1490.0001.0449.004.

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

Yeas 5
Nays 0
APPROVED

PURCHASING: FUND TRANSFER FOR FURNITURE

Agenda Item #4

RE: Approval to transfer $4,000.00 from Casino interest fund into Purchasing Department for purchase of office furniture

We respectfully request the Council authorize the transfer of $4,000.00 from the Casino Interest account into the Purchasing Division budget code A1345.0000.0210.000 for the purchase of furniture.

The Council has approved creation of a new position in the Purchasing Division in the 2010 budget (Records/Asset Clerk). This individual will be located in the same office as the Records/Asset Control Officer. The furniture in that office primarily consists of furniture other departments have turned in as surplus. It is not conducive to an efficient use of space. With the addition of another employee in that office the furniture is completely inadequate.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

MEMORANDUM OF UNDERSTANDING: CULINARY INSTITUTE

Agenda Item #5

RE: Approval of Memorandum of Understanding for the Niagara Culinary Institute

Please recall that at the City Council meeting held on October 14, 2008 the Council authorized the sum of $1.5 million in casino revenues to be set aside for the placement of the Niagara Community College Culinary Institute in a location in an around the Crowne Plaza Hotel in Downtown Niagara Falls. $1 million dollars is available from the 2008 casino revenues and $500,000 is available from 2009 casino revenues.

The Crowne Plaza Hotel in downtown Niagara Falls will no longer be the site of the Culinary Institute but rather discussions and negotiations are underway to locate the Culinary Institute in the Rainbow Mall. Attached is a copy of a Memorandum of Understanding for signature by involved parties that recites the basic terms of this arrangement moving forward.

Will the Council authorize the Mayor sign the Memorandum of Understanding and reaffirm the Councils commitment of $1.5 million dollars in casino revenues for the Niagara Community College Culinary Institute project?

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE HISTORIC PRESERVATION COMMISSION

533 TENTH STREET; HISTORIC DESIGNATION

REMOVE FROM TABLE
Agenda Item #6

RE: Approval of Historic Designation of exterior of 533 Tenth Street, Evelyn Apartments

Attached (on file in the City Clerk's Office) is the report and November 4, 2009 resolution from the Niagara Falls Historic Preservation Commission recommending designation of 533 Tenth Street, the Evelyn Apartments, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the building exterior. This proposed designation was approved with the participation of the building owner.

The Historic Preservation ordinance provides:

> 133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the designation of the exterior of 533 Tenth Street, the Evelyn Apartments, and forward the designation to the Mayor for approval, as provided by City Ordinance?

Council Member Fruscione moved that the communication be removed from the table

Yeas	5
Nays	0
	APPROVED

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

Yeas	4
Nays	0
	APPROVED

Council Member Walker Abstained

THE FOLLOWING COMMUNICATION WAS RECEIVED FROM THE CITY ASSESSOR

HOMESTEAD & NON-HOMESTEAD PROPORTIONS, 2010 TAX LEVY

Agenda Item #7

RE: Approval of locally-adjusted Homestead & Non-Homestead Proportions for the 2010 Tax Levy

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 2010 tax levy:

City of Niagara Falls	
Homestead	54.42545
Non-Homestead	45.57455

This calculation represents a 10% shift to the homestead class.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: CABLE COMMISSION, APPOINTMENT, 2009-95

Agenda Item #8

Relative to the appointment of Jerauld Genova to the Cable Commission

BY: Council Member Samuel Fruscione

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Cable Commission effective December 31, 2009, for the expiration date, which appears opposite his/her name:

REAPPOINTMENT	**TERM EXPIRES:**
Jerauld Genova 757 Seymour Avenue Niagara Falls, NY 14305	12/31/2012

Yeas 5

Nays 0

ADOPTED

RESOLUTION: YOUTH BUREAU, APPOINTMENTS, 2009-96

Agenda Item #9

Relative to re-appointments to the Youth Bureau

BY: Council Chair Chris Robins

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Youth Bureau effective immediately for the expiration date, which appears opposite his/her name:

REAPPOINTMENT	**TERM EXPIRES:**
Ashley LaSota 919 – 92nd Street Niagara Falls, NY 14304	12/31/2012
Joseph Celenza 525 Riverside Drive Niagara Falls, NY 14303	12/31/2012
Jeanette Stypa 717 – 87th Street Niagara Falls, NY 14304	12/31/2012

Yeas 5

Nays 0

ADOPTED

RESOLUTION: PUBLIC HEARING, NF CORE CITY URBAN RENEWAL PLAN, 2009-97

Agenda Item #10

Relative to calling for a Public Hearing on Niagara Falls Core City Urban Renewal Plan

BY: Council Chair Chris Robins

RESOLVED, that a public hearing be held on the 28th day of December, 2009 at 7:00 PM Eastern Standard Time, in the City Hall Chambers of the City of Niagara Falls, New York at City Hall, 745 Main Street, and that the required notice of said hearing be published in the Niagara Gazette preceding said hearing. The purpose of the hearing is to hear public comments regarding the proposed Niagara Falls Core City Urban Renewal Plan, a copy of which is on file in the City Clerk's Office, City Hall, 745 Main Street, Niagara Falls, NY, and be it further

RESOLVED, that the City Clerk publish the notice of said hearing in the Niagara Gazette preceding said public hearing.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: HUMAN RIGHTS COMMISSION, APPOINTMENT, 2009-98

Agenda Item #11

Relative to the appointment of Angela Bray to the Human Rights Commission

BY: Council Member Charles A. Walker

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Human Rights Commission effective immediately.

APPOINTMENT	**TERM EXPIRES:**
Angela Bray 3050 Orleans Avenue Niagara Falls, NY 14303	6/1/2011

Yeas 5
Nays 0
ADOPTED

RESOLUTION: JOHN PERCY, RESIGNATION, 2009-99

Agenda Item #12

Relative to the resignation of John Percy, President of the NYCC

BY: Council Member Robert Anderson, Jr.
Council Member Samuel Fruscione

WHEREAS, the City of Niagara Falls is the largest funding source of the Niagara Tourism and Convention Corporation (NTCC); and

WHEREAS, the NTCC has been reluctant to provide the City of Niagara Falls complete and itemized details regarding the how and where it expends its revenue; and

WHEREAS, John Percy, as President of the NTCC, has refused to make available to the City of Niagara Falls any detailed information regarding budgeting, finances, salaries, detailed travel expenses or operational expenses of the NTCC despite repeated requests that he do so; and

WHEREAS, John Percy, as President of the NTCC, has refused to work in concert with the City of Niagara Falls to better promote Niagara Falls as a premier tourist destination; and

WHEREAS, John Percy, as President of the NTCC, has refused to make efforts to hire minority employees despite requests to do so.

THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls asks that John Percy resign as President of the NTCC, effective immediately.

Yeas 5
Nays 0
ADOPTED

LOCAL LAW: ARTICLE XX, "Department of Inspections", 2009-2

Agenda Item #13

Relative to amending the City Charter by amending Chapter XX by changing the title to "Department of Code Enforcement"

A Local Law to amend the Niagara Falls City Charter as amended, by amending Article XX by changing the title of said Article from "Department of Inspections" to "Department of Code Enforcement" and by amending Section 510 entitled ADepartment of Inspections", Section 511 entitled "Building Commissioner, Powers@ and Section 512 entitled "Electrical and Plumbing Inspections".

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 amending Article XX to read as follows:

ARTICLE XX

[DEPARTMENT OF INSPECTIONS]
DEPARTMENT OF CODE ENFORCEMENT

SECTION 510 **[Department of Inspections] Department of Code Enforcement**

There is hereby created a **[Department of Inspections] Department of Code Enforcement** under the control and supervision of the **[Director of Inspections] Director of Code Enforcement**, who shall be appointed by the City Administrator.

SECTION 511 BUILDING COMMISSIONER, POWERS.

(a) The **[Director of Inspections] Director of Code Enforcement** shall be the Building Commissioner of the City of Niagara Falls, and shall have all the power, rights, privileges and authority previously held or exercised by the Director of Building, Housing and Rehabilitation **or Director of Inspections** and the **[Director of Inspections] Director of Code Enforcement** shall be deemed the Director of Building, Housing and Rehabilitation **or Director of Inspections** whenever reference shall be made to the Director of Building, Housing and Rehabilitation **or Director of Inspections**.

(b) The **[Director of Inspections] Director of Code Enforcement** shall have the powers and duties which state law, city ordinances or other sections of the city charter specify as the powers and duties of the Building Commissioner. In addition thereto, the **[Director of Inspections] Director of Code Enforcement** shall be the administrative head of the department and shall carry out his duties under the direction of the City Administrator. He shall be responsible for the enforcement of all minimum housing standards. It shall be his duty to enforce the laws of the state and the ordinances of said city relating to the construction, alteration or removal of all buildings or structures erected or to be erected within said City of Niagara Falls, and in so doing he may revoke any building permit issued by him therefor. Application for permission to construct, alter or remove buildings or structures within said City of Niagara Falls shall be made to the said **[Director of Inspections] Director of Code Enforcement** upon forms to be provided by said city, and shall be accompanied by plans and specifications therefor. He shall investigate such application and examine such plans and specifications and report the same to the City Administrator with his recommendation thereon when required, and without unnecessary delay shall complete said investigation and examination and thereupon forthwith grant or refuse said permit. It shall be the duty of the **[Director of Inspections] Director of Code Enforcement** to exercise administrative control over plumbing inspections so as to coordinate plumbing inspection with the total building inspection program.

SECTION 512 ELECTRICAL AND PLUMBING INSPECTIONS.

(a) Within said Department there shall be a Chief Electrical Inspector. The Chief Electrical Inspector shall be appointed by the City Administrator and it shall be his duty, under the direction of the **[Director of Inspections] Director of Code Enforcement**, to grant and refuse permits relating to electrical wiring construction and the use thereof in said city except the electrical power stations and facilities operated by electrical power utilities and under the jurisdiction of the Public Service Commission of the State of New York. He shall inspect the electrical wiring of all buildings subject to his jurisdiction and if the work performed and materials furnished shall not be in accordance with the statutes of said state and ordinances and rules of said city, he shall cause the same to be done in accordance therewith. He shall enforce all ordinances of

said city and statutes of said state relating to matters within his jurisdiction. All permits issued by said Chief Electrical Inspector shall be countersigned by the **[Director of Inspections]** **Director of Code Enforcement**. Electricity shall not be turned on in any building within the said City of Niagara Falls, subject to the jurisdiction and visitation of the Chief Electrical Inspector, without written permission of said Chief Electrical Inspector and the city shall furnish blanks for that purpose. Anyone aggrieved by the refusal of said Chief Electrical Inspector to grant such permit or permission may appeal by written notice to the City Administrator who shall forthwith investigate and confirm such refusal, or reverse the same and direct the granting of the permit or permission.

(b) Within said Department there shall also be a Plumbing Inspection section which shall be composed of the Plumbing Inspectors of the City of Niagara Falls who shall, in addition to discharging the duties prescribed for them by the General City Law and the laws of the State of New York, before any plumbing, sewers or drains are constructed or altered in any premises in said City, approve the plans and specifications therefor, and shall issue to the owner or party applying therefor a written permit to be countersigned by the **[Director of Inspections]** **Director of Code Enforcement** when such plans and specifications are approved by him, and the construction or alteration of any plumbing, drains or sewers by any owner or person on any premises within said city without first obtaining such written permit of said Plumbing Inspectors, shall be unlawful and is hereby declared to be a misdemeanor and the unauthorized plumbing, sewerage or drains shall be deemed a nuisance and shall be reconstructed or altered as directed and permitted by said Plumbing Inspectors. Said Plumbing Inspectors shall discharge such other duties in addition to those herein imposed upon them or imposed upon them by the laws of the State of New York or the **[Director of Inspections]** **Director of Code Enforcement**.

(c) The Examining Board of Plumbers of the City of Niagara Falls is continued and is hereby designated to carry out the provisions of sections forty-five-b and forty-seven of the General City Law of the State of New York and the said Examining Board of Plumbers shall possess the power, duties and authority set forth in said sections conferred upon said Examining Board of Plumbers, such Board being duly designated by Local Law.

Every master plumber, journeyman plumber and apprentice plumber shall register with the Examining Board of Plumbers under such rules as the said Board shall pass upon.

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.

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

Yeas	5
Nays	0

APPROVED

RESOLUTION: AUTHORIZING THE IMPLEMENTATION AND FUNDING; 10TH STREET RECONSTRUCTION, 2009-100

Agenda Item #14

Relative to funding for the reconstruction of 10th Street

BY: Council Chairman Chris Robins

WHEREAS, the Economic Recovery Project, for the Reconstruction of 10th Street, from Niagara Street to Cedar Avenue and Cedar Avenue from Main Street to 10th Street, in the City of Niagara Falls, Niagara County, PIN 5757.17, (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds or the ratio of 80% Federal funds and 20% Non-Federal funds, depending on the Federal Aid Funding Program; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the project PIN 5757.17 .

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of $ 821,000 is hereby appropriated in addition to $ 570,000 previously appropriated for the *project's* Preliminary Engineering (Design I-VI) phase via City Resolution No. 2006-46 adopted on May 8, 2006 and made available to cover the cost of participation in the above Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the *project's* Preliminary Engineering (DeSign I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, $ 1,391,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the *project's* Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds $ 5,033,000, the *project's* current Total Cost, the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of *Transportation by* attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 8:15 p.m.

Carol A. Antonucci
City Clerk

DECEMBER 14, 2009

SPECIAL COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

December 9th, 2009

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 14, 2009 at 3:45 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. To reconsider and act upon all amendments to the proposed budget vetoed by the Mayor.

Respectfully submitted,

_____
Chris Robins, Council Chair

Signature on file in the City Clerk's Office.

The December 14, 2009 Special Meeting was called to order by Chairman Robins at 3:50 p.m. in the City Council Chambers.

Present: Council Members Robert Anderson, Jr., Steve Fournier, Samuel Fruscione, Charles Walker and Chairman Chris Robins – 5

Also Present: Mayor Paul Dyster, City Controller Maria Brown, Corporation Counsel Craig H. Johnson and Deputy Corporation Counsel.

Chairman Robins asked Deputy Corporation Counsel Thomas O'Donnell to explain the procedure to act on the Mayor's vetoes.

The Council Sustained Budget Amendment Resolutions #3, 7 and 73, which were vetoed by Mayor Paul Dyster.

Chairman Robins commended the Council Members for their work in adopting the Budget for 2010, and thanked the Administration and Controller Maria Brown for their help, also.

RESOLUTION RELATIVE TO THE CITY COUNCIL, 2009-94
CONTINGENCY FUND
By: Council Chairman Chris Robins
Council Member Samuel Fruscione

WHEREAS, during the 2010 budget process, the City Council submitted a budget amendment which established a contingency fund in the amount of $213,836 which is labeled City Council Contingency Fund; and

WHEREAS, the City Council wishes to be clear that the dollars contained in this fund may be expended only with City Council approval.

NOW, THEREFORE, BE IT RESOLVED, that the $213,836 in the City Council Contingency Fund may only be expended with approval from the City Council.

Council Member Fruscione moved to amend the communication to correct the dollar amount.

Yeas	5
Nays	0
	AMENDMENT APPROVED
Yeas	5
Nays	0
	ADOPTED AS AMENDED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 3:56 p.m.

Carol A. Antonucci
City Clerk

DECEMBER 28, 2009

REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the December 28, 2009 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Robins at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Chris Robins, Council Members Robert Anderson, Jr, Steven Fournier, Samuel Fruscione, Charles A. Walker - 5.

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

Council Member Fruscione moved to approve the Minutes from the Special Meeting of December 14, 2009 and the Council Meeting of December 14, 2009.

Yeas	5
Nays	0
	APPROVED

DelBuono of the War of 1812 Bi-Centennial Legacy Council gave a presentation on plans for the celebration, and Mayor Paul Dyster added that he serves on the Legacy Council.

Chairman Robins, whose term as Council Member was ending, asked that the Administrative Updates at the Council's Work Sessions, which he asked for when he was elected Council Chairman, be continued. City Administrator Donna Owens responded that the Administration appreciated the opportunity to share information with the Council during the Work Sessions, and will continue to do so. She also thanked Chairman Robins for his leadership.

City Administrator Owens also spoke on the New Year's Eve celebration at the Hard Rock Café downtown.

City Controller Maria Brown spoke in tribute to Chairman Robins' service to the City, thanked him for his leadership and concerns for what is best for the City and presented him with a watch. Chairman Robins thanked Mrs. Brown for her tribute, and commended her work and the work of other Department Heads and his fellow Council Members.

In the Administrative Update:

1. Mayor Dyster informed the Council that work is continuing on the NTCC Visitor Center and the Culinary Institute Project; the West Mall Project is closed for the winter months; and Senator Schumer is working on setting up a meeting with Howard Milstein relative to downtown development.
2. Human Resources Director Joyce Mardon-Serianni reported that the recruitment process for the position of City Engineer has concluded, and Mayor Dyster added that an announcement would be made within the next few days as to the person hired for the position. Mrs. Mardon-Serianni also reported that the hiring process for the EEOC position is in the final stages, and an announcement would be made soon.
3. Civil Engineer Robert Buzzelli said that testing by the DEC for the Lewiston Road Project has been completed.

Chairman Robins asked if there were any upgrades or salary increases for employees in the staff realignment of the Assessor's Office (Agenda Item #5), and City Assessor Dom Penale and Mrs. Brown responded that there were not.

Council Member Anderson asked Mayor Dyster about additional funding for temporary positions in the Department of Code Enforcement (Agenda Item #21) and plans to bring the three employees who are on administrative leave back to work, and the Mayor responded that the plan was to continue the temporary funding for the first three months of the new year, and after that time, there may be further developments in the FBI investigation. Chairman Robins noted that the City cannot afford to keep paying employees who are not working and Council Member Anderson added that the employees should be put to work in some capacity while the investigation is ongoing.

This Session ended at 4:50 PM

Chairman Robins reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Robins announced a Special Order of Business, a Public Hearing relative to the Niagara Falls Core City Urban Renewal Plan. Nick Raczyk gave an explanation of the Plan. There were no other speakers.

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

Ron Anderluh	Thanks to Chairman Robins for service to City
Vince Sandanato	Thanks to Chairman Robins for service to City
Roger Spurback	Thanks to Chairman Robins for service to City
Norma Higgs	Thanks to Chairman Robins for service to City
Bill MacKay	Thanks to Chairman Robins for service to City
Susan Woodward	Zoning Board of Appeals Issues
Deborah Mellon	Zoning Board of Appeals Issues

The following were RECEIVED AND FILED:
Agenda Item #1
NF Core City Urban Renewal Plan information

Agenda Item #2
City Clerk’s Report for November, 2009

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: URBAN ENGINEERS OF NEW YORK P.C.,CHANGE ORDER #1

Agenda Item #3

RE: Approval of Change Order #1 to contract with urban Engineers of New York P.C. not to exceed $90,000.00

A contract for consultant services for the above referenced project was awarded to Urban Engineers of New York P.C., 403 Main Street, Suite 530, Buffalo N.Y., on March 23, 2009 in an amount not to exceed $300,000.00.

Subsequent to the completion of the above reference projects, additional Federal Funding through the New York State D.O.T. has been made available for additional Street Mills & Overlays to the City of Niagara Falls. As funding was made available in an accelerated time frame it generated the necessity for the City to extend the existing Construction Contract Administration and Construction Inspection Contract for additional services with Urban Engineers.

To that end, please allow this not to exceed $90,000.00 Change Order request to facilitate the Design and Inspection for three new streets listed below. Sufficient funds presently exist in Code H0913.2009.0913.0451.000

- **Buffalo Avenue**: from Veterans Drive to West of 24th Street
- **Cayuga Drive**: from South Military Road to Tuscarora Road
- **Packard Road**: from Niagara Falls Blvd. to Hyde Park Blvd.

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

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

Yeas	5
Nays	0

APPROVED

BROWNFIELD OPPORTUNITY GRANTS; BUFFALO AVENUE INDUSTRIAL CORRIDOR & HIGHLLAND AVENUE AREA

Agenda Item #4

RE: Approval of extension of the Buffalo Avenue Industrial Corridor & Highland Avenue Area Brownfield Opportunity Grants

The City has received State Brownfield Opportunity Area Grants for the Buffalo Avenue Industrial Corridor and Highland Avenue Area. The grants allow us to gather information on the brownfield sites. The information would be available to developers of the sites, and also allows us to market the sites. We also would have the information necessary for a generic environmental impact statement in the event of development of the site. Completion of this work also provides us with the information needed to qualify for grants for the sites.

Our grant agreements expire in March, 2010. We anticipate completing the work by that date. The State Department of State has indicated that it will extend the grants through March, 2011. We think it is prudent to obtain the extension, just in case the grant funds are not paid by March, 2010.

Will the Council vote to authorize the extension of the Buffalo Avenue Industrial Corridor and Highland Avenue Area Brownfield Opportunity Grants through March, 2011 as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

BUDGET AMENDMENT: ASSESSOR'S STAFFING

Agenda Item #5

RE: Approval of Budget Amendment to realign staff in the Assessor's Office

A recent retirement has allowed for the reallocation of job duties and the following changes are proposed in the Assessor's Department expense account A1355.0000.0110.00.

- Administrative Assistant- Assessor Grade 19 would be abolished effective January 4, 2010.
- Administrative Aide would be created at a Grade 12 effective January 4, 2010.
- Assessor Information Clerk Grade 7 would remain vacant and funded at $1.00 until the Administrative Aide is tested and appointed from a civil service list. Then abolished.
- Assessor Aide would be created at a Grade 7 effective January 4, 2009.

This realignment will result in a net savings and not increase the number of staff in the Assessor's Department.

Will Council so approve?

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

Yeas	5
Nays	0
	APPROVED

1855 WILLOW AVENUE; SALE TO NEW WORLD PROPERTY MANAGEMENT

Agenda Item #6

RE: Approval of sale of 1855 Willow Avenue to New World Property Management, Inc. for $10,000.00

The house located at 1855 Willow Avenue was rehabilitated and sold several years ago through the Community Development Urban Homesteading program. Community Development obtained various properties from HUD/City foreclosures and sold approximately 35 houses to income-eligible first-time homeowners. HOME funds were expended to bring the properties up to code, and the purchasers qualified for low-interest or no-interest mortgages from Community Development.

To date, we have foreclosed on three of the homestead properties, and we recently obtained Planning Board approval for their sale. Unfortunately, 1855 Willow Avenue was vandalized resulting in severe interior damage. The property is not in suitable condition to sell to an owner-occupant, and will require investment of thousands of dollars to bring the property back up to code. The remaining two properties are being marketed for owner-occupancy, and have closing cost subsidies available to qualified home purchasers

Recently, we were approached by one of the Community Development rehabilitation contractors, who offered $10,000.00 for the property in "as is" condition. A review of prices at the last tax auction for comparable properties in the area reveals bids from $450.00 to $2,250.00.

We feel that the interests of the City will be best subserved by dispensing with a sale at public auction of 1855 Willow, and selling the property to the rehabilitation contractor.

Will the Council vote to determine that the interests of the City are best subserved by dispensing with a sale at public auction of 1855 Willow Avenue, to approve the sale to New World Property Management for $10,000.00 "as is," as set forth herein, and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: 1667 LINWOOD AVENUE, LEASE

Agenda Item #7

RE: Approval to renew lease agreement for 1667 Linwood Avenue at a rent increase to $800.00 per month plus utilities

In 2008, City Council approved a lease for 1667 Linwood Avenue at $750.00 per month plus utilities. The building has been used as a police substation and resource center by community groups such as the Niagara Falls Block Club Council. Community Development funds have paid the rent and utility costs.

It is requested that the lease be extended from January 1, 2010 through June 30, 2010 at the increase rent of $800.00 per month plus utilities. The increase in rent is proposed to cover general building maintenance costs and snowplowing. The building is well-maintained and has been extensively utilized by the Police Department and Block Clubs for the past 18 months. Funds are available to pay for this in Community Development budget line CPS028.

Will the Council vote to approve the lease extension and rent increase as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: S.V. MOFFETT CO., AERATOR

Agenda Item #8

RE: Approval of Bid #49-09 with S.V. Moffett Co., Inc. for an aerator at a cost of $20,440.00

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

TO: S.V. Moffett Co., Inc.
33 Thruway Park Drive
West Henrietta, NY 14586

FOR: One (1) three point hitch, deep tine aerator: $20,440.00

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 three (3) vendors. The above referenced company submitted the only bid.

Funds for this expenditure are available in the 2009 Capital budget code: H0912.2009.0912.0250.000.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: MONROE TRACTOR; TANDEM VIBRATORY/OSCILLATORY ROLLER

Agenda Item #9

RE: Approval of Bid #50-09 with Monroe tractor for a tandem vibratory/oscillatory roller at a cost of $118,536.00

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

TO: Monroe Tractor
5035 /Genesee Street
Buffalo, NY 14225

FOR: One (1) tandem vibratory/oscillatory roller: $118,536.00

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 six (6) companies. The above referenced company submitted the only bid. They also submitted an alternate bid of $98,453.00 for a dual vibratory roller (instead of a vibratory/oscillatory roller as required) which did not meet our specifications.

Funds for this expenditure are available in the 2009 Capital budget code: H0912.2009.0912.0230.000.

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

Yeas 5
Nays 0

APPROVED

MEMORANDUM OF AGREEMENT: USW LOCAL 9434-00,; CODE ENFORCEMENT DEPT

Agenda Item #10

RE: Approval of agreement upgrading positions within the Department of Code Enforcement

As a result of the restructuring of the Department of Inspections to become the Department of Code Enforcement, it was necessary to alter the work schedules for the affected individuals. The Chief Code Enforcement and Code Enforcement Officers will now work eight-hour days with a 40-hour workweek. Similarly, the Code Enforcement Officer assigned to Community Development will also work a 40-hour workweek. The steps and grades for each position will be upgraded pursuant to the attached Agreement.

Will the Council ratify the Mayor’s signature on this Agreement?

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

Yeas 5
Nays 0

APPROVED

AWNING ENCROACHMMENT: 1102-104 NIAGARA STREET

Agenda Item #11

RE: Approval of awning encroachment at 1102-1104 Niagara Street

The City has received a request from the owner of the property at 1102-1104 Niagara Street to install awnings that would encroach into the City’s Main Street right-of-way.

This has been reviewed by the appropriate City Departments and the Planning Board, which recommend approval subject to the compliance with plans submitted to the Inspections Department and any building codes and the agreement of the property owner to defend and indemnify the City from any and all liability from the granting of this permit and the owner adding the City of Niagara Falls as an additional insured on it’s commercial liability policy in a amount acceptable to the Corporation Counsel. The encroachment is subject to revocation by the City on a six month written notice.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

CONTRACT RENEWAL: HEALTHNOW, RETIREE DRUG SUBSIDY

Agenda Item #12

RE: Approval of continuation of agreement with HealthNow for retiree drug subsidy

In order to continue receiving subsidies pursuant to the Medicare Part D prescription drug coverage, the City has previously entered into an Agreement with HealthNow to provide administrative services in relation to the drug subsidy for the City's retirees.

Will the Council approve the continuation of this Agreement for the period starting January 1, 2010 and authorize the Mayor to execute an Agreement in a form acceptable to the Corporation Counsel?

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

HOME IMPROVEMENT LICENSING REVIEW BOARD, APPOINTMENT

Agenda Item #13

RE: Approval of appointment to the Home Improvement Licensing Review Board

I hereby appoint William Williamson, 818 Vanderbilt Avenue, Niagara Falls, New York 14305 to the Home Improvement Licensing Review Board for a term expiring on December 31, 2014.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

SIGNAGE: PARK PLACE HISTORICAL DISTRICT

Agenda Item #14

RE: Approval of signage in Park Place Historical District

The City has received a request to locate signage identifying the Park Place Historic District. This will involve the installation of signs at the two above-referenced locations.

This request has been reviewed by the appropriate City Departments and the Planning Board, which recommend approval subject to the compliance of plans submitted. All plans for signage must be submitted to the Department of Code Inspection and comply with all building codes pertaining to signage. Attached(no attachment received in Clerk's office) is the recommendation from the City of Niagara Falls Planning Board

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

WHIRLPOOL PARK LITTLE LEAGUE FENCING

Agenda Item #15

RE: Approval to fund $20,000.00 to Whirlpool Park Little League for fencing

Whirlpool Park Little League manages baseball fields in Deveaux Woods State Park. This little league organization has been serving youth ages four through and including 18 years of age in Niagara Falls for the past 39 years. The New York State Office Parks, Recreation and Historic Preservation, Western District - Niagara Region, allows the little league to provide backstops, bleacher seating, scoreboards, maintenance and fencing, largely through volunteer and fund raising. The existing fencing is in desperate need of replacement and upgrading. The estimated cost of the fencing is $30,000 and the City has been asked for a contribution of $20,000 for this project to promote this little league program. Funds are available through Casino interest. Prior to disbursing funds, an agreement would have to be in place between all parties, which is subject to approval by the Corporation Counsel.

Will the Council so approve?

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

Yeas 4

Anderson, Fournier, Fruscione, Walker

Nays 0

Abstained 1

Robins

APPROVED

PUBLIC WORKS: MEO-II TEMP POSITION FUNDING

Agenda Item #16

RE: Approval to fund 4 temporary MEO-II positions in Public Works at a cost of $30,075.00

The Director of the Department of Public Works has identified a need for four (4) temporary MEO-II positions to be utilized from the period January 1, 2010 through March 31, 2010. The total amount required to fund these positions, inclusive of benefits is $30,075. Funding is available through special fund balance. The account code A5110.0200.0130.000 DPW-Streets Temporary.

Will the Council so approve same?

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

Yeas 5

Nays 0

APPROVED

SIGNAGE: 2717 HIGHLAND AVENUE & 1031 GARDEN AVENUE

Agenda Item #17

RE: Approval of signage at 2717 Highland Avenue & 1031 Garden Avenue

The City has received a request to locate signage identifying two Highland Community Pocket Park signs. This will involve the installation of signs at the two above-referenced locations.

This request has been reviewed by the appropriate City Departments and the Planning Board, which recommend approval subject to the compliance of plans submitted. The entity proposing the installation of the signs agrees that all plans for signage must be submitted to the Department of Code Inspection and comply with any and all building codes pertaining to signage and that the proponent of the signage agrees to defend and indemnify the City from any and all liability arising from the location of the signs on City owned property and adding the City of Niagara Falls as an additional insured on a policy of insurance in a amount acceptable to the Corporation Counsel. Attached is the recommendation from the City of Niagara Falls Planning Board.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

CONTRACT: MORTON ABRAMOWITZ

Agenda Item #18

RE: Approval of agreement with Morton Abramowitz for consulting services for the Council

Attached(on file inn City Clerk's Office) is a proposed Agreement for Morton Abramowitz to provide consulting services to the City Council.

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

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

Yeas 5
Nays 0
APPROVED

Contract: TVGA for Highland Ave. Brownfield Testing, Change Order

Agenda Item #19

RE: Approval of Change Order to agreement with TVGA for an increase of $9,350.00 for Highland Avenue Brownfield testing

The City previously received a grant from the United States Environmental Protection Agency Brownfield Pilot Program for testing on sites on Highland Avenue (this Grant required no City matching funds).

The City entered into an Agreement with TVGA Consultants to perform various site investigations and assessments under this Grant.

The Environmental Protection Agency has approved a revised scope of work and it is requested that the City enter into a change order with TVGA for $9,350 (increasing the contract amount to $53,000 to perform this work.

Funds to cover this additional cost is available in EPA Grant S.8989.3067.0449.599

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

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

Yeas 5
Nays 0
APPROVED

DEPUTY EEO OFFICER, CREATION OF POSITION

Agenda Item #20

RE: Approval to create Deputy EEO Officer position at a salary of $40,000.00 and allocate $10,000.00 to establish budget lines for initial office setup

In order to continue to adequately address the tasks and deadlines contained in the Assurance of Discontinuance Agreement between the City of Niagara Falls and the Attorney General of New York State, it is requested that funding be allocated to create a position of Deputy EEO Officer, and establish funding to initiate this function in 2010 as follows:

1. Create one (1) position of Deputy EEO Officer at an annual salary of $40,000./yr (Cost with benefit package $62,773.);
2. Allocate $10,000. to establish initial budget lines for supplies, telephone, postage, books, magazines, and memberships, advertising, furniture and furnishings, office equipment and copier lease.

Funding is available in the 2010 Council's contingency account, A.1990.7630.0449.599.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

DEPARTMENT OF CODE ENFORCEMENT, TEMPORARY HELP, EXTENSION

Agenda Item #21

RE:: Approval to extend temporary position of Electrical Inspector, create temporary position of Chief Plumbing Inspector and approve a stipend of $3,000.00 a year for Sign & Zoning Inspector duties

In order to continue to adequately staff the Department of Code Enforcement while three (3) employees of the Department are on administrative leave, it is requested that the Council approve the extension of the temporary position of Electrical Inspector (Grade 22) as previously created by Council action July 27, 2009, and also approve the following changes:

2. Create one (1) temporary position of Chief Plumbing Inspector (Grade 23B)

3. Approve a $3,000./yr. stipend for Sign and Zoning Inspector duties

The estimated cost of not more than $ 32,700., would be covered partially by the $9,000. available in the department's temporary line. Additional funding, which would cover through the first quarter of 2010, is available in the contingency account, A.1990.7650.0449.000.

Will the Council so approve?

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

Yeas	1
Walker	
Nays	4
Anderson, Fournier, Fruscione, Robins	
	DEFEATED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE EMPIRE ZONE BOARD

Agenda Item #22

RE: Approval of appointments to the Empire Zone Board through December 31, 2010

Pursuant to the Empire Zone Local Law approved by Council 2001, the City Council appoints eight members of the Empire Zone Board. Each appointment is for a one year period. The appointments are to be made from a list submitted to the City Council by the Empire Zone Board Chairperson.

All of the current board members wish to remain for an additional year. Accordingly, the following individuals are proposed for reappointment to the Niagara Falls Empire Zone Administrative Board for 2010:

Community Representative Mrs. W. Lee Whitaker, Niagara Falls Housing Authority;

Labor Relations Representative Mr. Thomas Pryce, Iron Workers Local #9;

Human Resource & Educational Representative Mr. Paul Parise, Niagara County Employment & Training Dept.;

Industrial Representative Mr. Art Ray Sr., A. B. Ray Associates;

Industrial Representative Mr. Abdul Labi, PEMCO;

Banking Representative Mrs. Lucy Muto, HSBC Bank;

Zone Resident Representative Mr. Eddie Palmore; and

Economic Development Representative Mr. Thomas Bruss, Niagara Falls Small Business Development Center

Resumes for each individual are available on request.

Will the Council vote to appoint the eight individuals to the Empire Zone Board through December 31, 2010, or until appointment of replacements?

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: NF CORE CITY URBAN RENEWAL PLAN, 2009-101

Agenda Item #23

Relative to approving the Niagara Falls Core City Urban Renewal Plan

BY: Council Chair Chris Robins

WHEREAS, on November 9, 2009 the Niagara Falls Urban Renewal Agency approved the Niagara Falls Core City Urban Renewal Plan and referred the Plan to the Niagara Falls Planning Board for a public hearing and the report and recommendation of the Niagara Falls Planning Board, and

WHEREAS, the Niagara Falls Planning Board held a public hearing on November 12, 2009 on the Niagara Falls Core City Urban Renewal Plan, and

WHEREAS, on November 16, 2009, the Niagara County Planning Board recommended approval of the Niagara Falls Core City Urban Renewal Plan as referred to it in the nature of a zoning or comprehensive plan action pursuant to General Municipal Law §239-m; and

WHEREAS, on December 2, 2009 the Niagara Falls Planning Board certified:

1. That the Niagara Falls Core City Urban Renewal Plan complies with Subdivision 7 of §502, Article 15 of the New York State General Municipal Law;
2. That the Niagara Falls Core City Urban Renewal Plan conforms to the comprehensive community plan for the development of the City of Niagara Falls, New York as a whole and is consistent with local objectives;
3. That such urban renewal plan includes: a statement of proposed land uses; proposed land acquisition, demolition and removal of structures; proposed acquisition of air rights and concomitant easements or other rights of user necessary for the use and development of such air rights; proposed methods or techniques of urban renewal; proposed public, semi-public, private or community facilities or utilities; a statement as to proposed new codes and ordinances and amendments to existing codes and ordinances as are required or necessary to effectuate the plan; proposed program of code enforcement; a proposed time schedule for the effectuation of such plan, and such additional statements or documentation as the Niagara Falls Urban Renewal Agency deems appropriate;
4. That the Niagara Falls Core City Urban Renewal Plan includes the 2007 Restoration Area in its entirety, and that the designated area is of such scope that the Niagara Falls Urban Renewal Agency deems it necessary or advisable that the urban renewal activities to be undertaken therein be carried out in stages, with specific urban renewal action plans adopted in the future for specific projects; and

WHEREAS, on December 2, 2009, the Niagara Falls Planning Board certified its unqualified approval of the Niagara Falls Core City Urban Renewal Plan; and

WHEREAS, a public hearing was held on the 28th day of December, 2009 at 7:00 PM Eastern Standard Time, in the City Hall Chambers of the City of Niagara Falls, New York at City Hall, 745 Main Street, and that the required notice of was hearing be published in the Niagara Gazette preceding said hearing. The purpose of the hearing was to hear public comments regarding the proposed Niagara Falls Core City Urban Renewal Plan;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby determine that the Niagara Falls Core City Urban Renewal Plan is in conformance with the conditions and thresholds established in the generic EIS and findings statement adopted by the City of Niagara Falls at the time the new zoning ordinance was adopted and therefore, the adoption of the Niagara Falls Core City Urban Renewal Plan will not require further SEQRA compliance (6 NYCRR §617.10(d)); and be it further

RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby approve the Niagara Falls Core City Urban Renewal Plan.

Yeas	5
Nays	0

ADOPTED

12/28/2009

RESOLUTION: BUDGET AMENDMENT, RESTRUCTURING Dept. of Code Enforcement, 2009-102

Agenda Item #24

Relative to amendments to the 2010 budget nnecessary to restructure the Department of Code Enforcement

BY: Chairman Chris Robins

WHEREAS, as an integral part of the Mayor's proposed re-naming and restructuring of the Department of Inspections to the Department of Code Enforcement, certain amendments are necessary to the 2010 budget in order to implement the reclassification of positions consistent with this change;

WHEREAS, the Mayor has now requested that certain positions be abolished, and in turn, others created in order to achieve the goal of efficiency; and further, that this Council authorize the necessary transfer within the 2010 budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that in order to implement the restructuring of the Department of Inspections to the Department of Code Enforcement, and to ensure consistency of titles City wide,

(1) The following positions and titles are hereby abolished:

Position	Department
Director of Inspections (1 position currently vacant)	Inspections
Senior Building/Housing Inspector (1)	Inspections
Building /Housing Inspector (3.5)	Inspections
Building/Housing Inspector (1)	Community Developmen

(2) The following positions and titles are hereby created:

Position	Department
Director of Code Enforcement	Code Enforcement
Chief Code Enforcement Officer (1)	Code Enforcement
Code Enforcement Officer (4.5)	Code Enforcement
Code Enforcement Officer (1)	Community Development
Acting Building Commissioner ($8,000/yr stipend)	Code Enforcement

(3) The Mayor is authorized to make the appropriate transfers from all unencumbered appropriations for positions listed under subheading (1) to fund positions listed under subheading (2) of this resolution.

Yeas	5
Nays	0

ADOPTED

12/28/2009

RESOLUTION: LEWIS, JANICE, HONORING, 2009-103

Agenda Item #25

Relative to honoring Janice Lewis, Program Administrator of the John A. Duke Senior Citizen Center

BY: All Council Members

WHERAS, Janice Lewis has been employed with the City of Niagara Falls for over 31 years and will be retiring at the end of 2009; and

WHEREAS, Ms. Lewis was hired under a program to get women and minorities into middle management. She worked in various offices at City Hall before becoming the Program Administrator for the Niagara Falls Senior Center; and

WHEREAS, Ms. Lewis has been instrumental in coordinating services and activities to our city's elderly population. The Center changed its name to the John A. Duke Niagara Falls Senior Center in 1988 and Ms. Lewis was responsible for the dedication of its new shelter, bocce courts and horseshoe pit in 1992 and the new addition in 1997; and

WHEREAS, Ms. Lewis coordinated special senior programs such as the Senior Walk in the Park, the Annual Christmas Holiday Party, the Annual Picnic; all of the Anniversary parties for the Center, the volunteer recognition events and co-sponsored the Salvation Army Senior Olympics – bocce tournament. Janice and her staff participated in the Niagara County Senior Walk in the Park; was a part of the TRIAD Council, partnered with the community on the Hyde Park School Quality Council and was a member of the Retired and Senior Volunteer Program Advisory Council and the Senior Companion Advisory Council; and

WHEREAS, a monthly schedule of activities for seniors was prepared by Ms. Lewis and assisted in setting up a new data base that allows for easier access of information needed for reports to the Niagara County Office for the Aging.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, along with Mayor Paul A. Dyster, congratulates Ms. Janice Lewis on her years of service to the City of Niagara Falls; and

THEREFORE BE IT FURTHER RESOLVED, that the Niagara Falls City Council, along with Mayor Paul A. Dyster especially congratulates Ms. Lewis on all the years of contributions made to the Niagara Falls John A. Duke Senior Citizen Center and to the entire senior population of the City of Niagara Falls and the County of Niagara. "The Duke" as seniors call it would not be what it is today without the contributions and professional actions of Ms. Janice Lewis.

Yeas 5

Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Robins adjourned the Meeting at 7:50 p.m.

Carol A. Antonucci
City Clerk

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