

Agenda Item #1

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

TO: Beau Enterprises, Inc.
4250 Williams Road
Ransomville, NY 14131

FOR: Landscaping and maintenance of the medians along: \$35,745.00
Niagara Street, John B. Daly Boulevard, Rainbow
Boulevard and the Traffic Circle:

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. Two (2) bids were received. The above referenced company submitted the lowest bid. A bid was also received from Patrick's Landscaping (\$137,215.00).

We further request the Council authorize the use of funds from the Special Projects Fund Balance.

Agenda Item #2

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. Man Hours (est. 3,200 hrs.)	\$ 11.99/hr.
2. Acres (est. 150 acres)	24.00/acre

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 lowest bid prices for each respective item. Bids were also received from K.J. Smith Enterprises, Inc. (\$14.00/man hour & \$30.00/acre) and Beau Enterprises, Inc. (\$35.00/man hour & \$35.00/acre).

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

Agenda Item #3

The Niagara Falls Housing Authority Board of Commissioners approved certain pay increases for its employees. Attached is a copy of the correspondence describing these pay increases. While the City of Niagara Falls does not contribute financially to the operations of the Niagara Falls Housing Authority, the New York State Public Housing Law requires the approval of the City Council for those increases.

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

Agenda Item #4

The Police Department has received a grant in the amount of \$387,505.00 under the Buffer Zone Protection Program for the period between September 1, 2008 and September 30, 2012.

No City match is required.

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

Agenda Item #5

The unforeseen windstorm event earlier this month caused damage to the fence surrounding the Public Safety Building at 1925 Main Street, Niagara Falls, New York. The estimate to repair this fence is \$1,950.00. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

Agenda Item #6

It was necessary to incur overtime on an emergency basis during the windstorm event which occurred earlier this month. The total cost for manpower to handle this unforeseen event was \$5,217.19, inclusive of FICA. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

Agenda Item #7

Regional environmental Demolition, Inc. is completing demolition contract CD 2011-1. Some changes have arisen in connection with the contract.

In demolishing the building at 3700 Highland Avenue, two heat ducts with Asbestos Containing Material were discovered behind the kitchen wall. The ducts were completely enclosed and not apparent in the assessment of the property. The change order to dispose of the ducts is \$1,400.00

In demolishing the building at 1657 Cleveland Avenue, linoleum was discovered under the flooring. The linoleum was completely covered and not apparent in the asbestos assessment. The mastic glue attaching the linoleum to the floor necessitates the disposal of approximately 480 square feet of Asbestos Containing Material. The change order to dispose of this material is \$1,000.00

The sidewalk and curb 1124 Main Street are in excellent condition. If the driveway apron and curb were removed, future use of this location would necessitate a new driveway and curb. The credit to the City to delete the driveway removal is \$1,400.00.

The total net change order is \$1,000.00. Funds are available in budget line CDR 399.

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

Agenda Item #8

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

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

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	1/18 - 3/14/2012	\$497.28
Niagara Family Medicine Association	3/05/2012	\$121.00
Glover Physical Therapy	11/30/2011	\$76.84
Proscan Radiology Buffalo	1/10/2012	\$2300.00

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

Will the Council so approve?

Agenda Item #9

The above claimant has incurred medical expenses for personal injuries suffered by her when she was being transported back to Niagara Falls High School in a police vehicle after serving as a volunteer at the City's recent Emergency Drill on November 16, 2011.

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

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Radiology Solution Associates	2/28/2012	\$16.41
Excelsior Orthopaedics LLP	3/16/2012	\$845.57

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

Will the Council so approve?

Agenda Item #10

Please be advised that, Mayor Paul A. Dyster, on March 21, 2012, duly approved the following:

Resolution 2012-26, relative to Amending Chapter 1137 of the Codified
Ordinances entitled "Landlord Rental and Property Owner Registration."

Agenda Item #11

CITY OF NIAGARA FALLS, NEW YORK

TO: City Council

FROM: Andrea M. Galey, Historic Preservation Commission Chairman

DATE: March 14, 2012

RE: **113 Sixth Street – Oramel Johnson House**
Historic Preservation Commission Recommended Historic Designation
Building Exterior

Council Members:

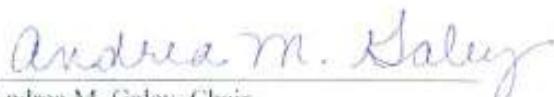
Attached is the report from the Niagara Falls Historic Preservation Commission recommending designation of 113 Sixth Street, the Oramel Johnson House, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the building exterior. This proposed designation was approved with the participation of the building owners.

The Historic Preservation ordinance provides:

133.05-02(1) 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 113 Sixth Street, the Oramel Johnson House, and forward the designation to the Mayor for approval, as provided by City Ordinance?

Respectfully submitted,


Andrea M. Galey, Chair
Niagara Falls Historic Preservation Commission

RELATIVE TO HEART, LOVE AND SOUL CELEBRATING
30 YEARS OF SERVICE TO THE NIAGARA COMMUNITY



BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Glenn Choolokian
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, celebrating its 30th Anniversary year, the Heart, Love and Soul Food Pantry and Dining Room announced its annual recognition dinner to take place on Thursday, April 26th, 2012 at their location at 939 Ontario Avenue; and

WHEREAS, Honorees include James and Mary Glenn of the Maid of the Mist; M&T Bank; the 107th Medical Group of the Niagara Falls Air Base; Gary Smith of Modern Disposal as well as Mary Lou Curry, Carol Pettway and Gail Laster who will receive the Frances Ficorilli Volunteer Award; and

WHEREAS, Heart, Love and Soul is a non-profit organization dedicated to feeding those in need and providing opportunities to improve their quality of life; and

WHEREAS, thirty years ago, Heart, Love and Soul was initiated by a prayer group from Sacred Heart Parish led by Frances Ficorilli. Today, the food pantry and dining room remains a beacon of hope for the residents of Niagara Falls. The mission is to feed the hungry and to provide them with opportunities to improve their quality of life. To fulfill its mission, Heart and Soul serves an average of 40 breakfasts and 150 lunches daily. In addition, the pantry provides food to 650 persons each month.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council congratulates the Heart, Love and Soul Food Pantry in celebrating 30 years of commitment and serving all those in need within our Community.

RELATIVE TO NYS ASSEMBLY BILL FOR ADVERTISING STRUCTURES

BY:

Council Chair Sam Fruscione
Councilmember Robert A. Anderson, Jr.
Councilmember Glenn Choolokian
Councilmember Charles Walker

WHEREAS, on March 22nd, 2012, the New York State Assembly introduced Bill A09633 which will allow for advertising structures within 500 feet of the border of Niagara Falls State Park; and

WHEREAS, this bill has been referred to the Tourism, Parks, Arts and Sports Development Department in Albany; and

WHEREAS, the bill, sponsored by Assembly Members Gabrysak and Ceretto, states that this act is to amend Section 13.07 of the Parks, Recreation and Historic Preservation Law, in relation to allowing advertising structures in geographic areas within 500 feet of the border of the Niagara Falls State Park; and

WHEREAS, on March 19th, 2012, the Niagara Falls City Council passed a resolution supporting the installation of signs by businesses on the exterior of their businesses identifying their location in the City of Niagara Falls, particularly in the downtown area, provided appropriate permits have been issued by the City of Niagara Falls; and

WHEREAS, the resolution further stated that the City Council believes that it is important for a business, especially a business in downtown Niagara Falls, to have adequate signage on the exterior of its business so that visitors to the area can see the business exists.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council supports Assembly Bill A09633 and urges the members of the Assembly to quickly remove this bill from Committee and pass this bill well before the 2012 Tourist season.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Assembly Member Margaret Markey, Chair of the NYS Office of Parks, Recreation and Historic Preservation Committee; the Niagara Frontier Region to the attention of Mr. Mark Thomas, Director, Western District; Assembly Members Dennis H. Gabrysak and John D. Ceretto; and Assembly Speaker Sheldon Silver.

RELATIVE TO AMENDING CHAPTER 337 OF THE CODIFIED ORDINANCES ENTITLED
“COLLATERAL LOAN BROKERS A/K/A PAWNBROKERS”

BY:

Council Chairman Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Glenn Choolokian
Council Member Charles Walker

BE IT RESOLVED, by the City Council of Niagara Falls, New York that Chapter 337 of the Codified Ordinances entitled “Collateral Loan Brokers A/K/A Pawnbrokers” is hereby amended as follows:

337.04 PENALTY FOR CARRYING ON BUSINESS WITHOUT A LICENSE OR AT IMPROPER LOCATION. **LOCATIONS OF COLLATERAL LOAN BROKER BUSINESS.**

- A. The said license will authorize such person to carry on the business of a collateral loan broker and shall designate the house address in which such person shall carry on the business of a collateral loan broker, and no person, corporation, partnership or firm shall carry on the business of a collateral loan broker without being licensed nor in any house at any address other than the one designated in said license, under a penalty of One Hundred and 00/100 Dollars (\$100.00) for each day he/she or they shall exercise or carry on said business without such license or at any other house address than the one so designated.
- B. Collateral loan broker businesses, as defined herein, are prohibited in all Zoning Districts in the City of Niagara Falls except for the I2 Industrial District where such businesses are permitted to operate but only with a special permit issued by the Zoning Board of Appeals.

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337.24 PROHIBITED ACTS; HOURS OF BUSINESS.

...

337.24 CONTINUING EDUCATION REQUIREMENT

- A. Pursuant to the requirements of Section 41-a of the General Business Law, every entity licensed as a collateral loan broker pursuant to this chapter shall, within six months of obtaining a license and during every two-year period thereafter, complete at his or her own expense at least 12 hours of continuing education instruction offered in a course or program approved by the Superintendent of Police.
- B. Every pawnbroker which employs more than three employees shall designate one individual as the manager of the collateral loan broker business and shall notify the Superintendent of Police of the identity of the manager. Every individual designated as the manager of a pawnbroker shall, within six months of obtaining a license and during every two-year period thereafter, complete not less than eight hours of continuing education instruction for such managers offered in a course or program approved by the Superintendent of Police.
- C. Each collateral loan broker shall designate a manager for each location at which such broker conducts business and employs more than three employees, and every such manager shall comply with the provisions of Subsection B of this section.

- D. Each approved provider of continuing education instruction pursuant to this section and each collateral loan broker shall maintain the records of the provision or receipts of such instruction for not less than four years.
- E. The failure to comply with the provisions of this section shall be grounds for the suspension, revocation or refusal to issue any license issued pursuant to this chapter.

Bold and Underlining indicate **Additions**.
Strikethrough indicates ~~Deletions~~

Agenda Item #15

RESOLUTION RELATIVE TO AMENDING CHAPTER 338 ENTITLED "SECONDHAND DEALERS"

By: Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.
Council Member Glenn Choolokian
Council Member Charles Walker

BE IT RESOLVED, by the City Council of Niagara Falls, New York that Chapter 338 of the Codified Ordinances entitled "Secondhand Dealers" is hereby amended as attached hereto.

CHAPTER 338

SECONDHAND DEALERS AND SCRAP PROCESSORS

338.01 License required	338.06 General regulations
338.02 Application for license; issuance	338.07 Exemptions from licensing
	requirements
338.03 Issuance and term of license	338.08 Method of payment by dealer
338.04 License fee.	338.09 Denial of licenses or renewals
338.05 Recordkeeping, tagging and holding requirements	338.10 Violations of this Ordinance

338.01 License required.

A. No person, firm, corporation, partnership, association, trust or any type of business enterprise shall carry on the business of secondhand dealer without obtaining a license from the City Council.

B. The business of secondhand dealer shall mean a business which engages in the purchase of any secondhand gold, silver, platinum, diamonds or other precious gems or any items containing gold, silver, platinum, diamonds or other precious gems; bicycles; radios; televisions; stereo equipment; electronic game systems; jewelry; watches; cameras and accessories; furniture; appliances; typewriters, calculators and office equipment; stamps; coins; automotive parts or equipment; or motor vehicles. A "purchase" of a secondhand item, as used in this chapter, shall be construed to include an exchange or trade for a secondhand item.

C. No person, firm, corporation, partnership, association, trust or any type of business enterprise shall carry on the business of scrap processor without obtaining a license from the City Council. Any entity lawfully operating as a scrap processor as of the date of this Chapter amendment shall have a period of 90 days to apply to operate as set forth herein, and comply with the terms of this Chapter.

D. The business of scrap processor shall mean a business which engages primarily in the purchase, processing and shipment of ferrous and/or non-ferrous scrap, the end product of which is the production of raw material for remelting purposes for steel mills, foundries, smelters, refiners and similar users

338.02 Application for license; issuance.

A. An application for a secondhand dealer or scrap processing license shall be made to the City of Niagara Falls, City Clerk's office, on forms prescribed by the Superintendent of Police.

B. Upon receipt of an application for a secondhand dealer **or scrap processing** license, and after approval for Zoning Code compliance, the Superintendent of Police shall cause an inspection to be made of the applicant's business premises to determine whether public safety problems exist, and the Superintendent of Police shall cause an investigation to be made of the background of the owner and operator of the business. Before the issuance of a license, the Superintendent of Police and his representatives shall have the right to enter upon such premises during normal business hours for the purpose of making inspections. Further inspections of the premises may be made after a license has been issued to ensure compliance with the laws, ordinances and rules and regulations relating to secondhand businesses.

C. The owner, operator and employees of any secondhand **or scrap processing** business shall be of good moral character and shall maintain good order on the business premises at all times.

D. The Superintendent of Police may promulgate rules and regulations to govern the operation of secondhand **or scrap processing** businesses so as to provide for the orderly operation of the businesses and to ensure the public safety and the peace and tranquility of the neighborhoods where the businesses are located.

E. It shall be the duty of all holders of a secondhand dealer **or scrap processing** license to notify the Superintendent of Police of any changes in information supplied on their license applications within 20 days of such changes.

338.03 Issuance and term of license.

A. City Council may grant a license to carry on the business of secondhand dealer within the City, which license shall not be transferred from one person to another, to such citizens, or aliens lawfully admitted for permanent resident in the United States, as they shall deem proper and who shall produce to them satisfactory evidence of their good character, and every such license shall expire one year from the date thereof, and may be renewed on application to the City Council each and every year on payment of the same sum and upon performance of the other conditions herein contained, and the City Council shall have full power and authority to revoke such license for cause.

B. City Council may grant to any person, firm, corporation, partnership association, trust or business enterprise, a license to carry on the business of scrap processing within the City, which license shall not be transferred, as they shall deem proper and who shall produce to them satisfactory evidence of their good character, and every such license shall expire on June thirtieth of each year, and may be renewed on application to the City Council each and every year on payment of the same sum and upon performance of the other conditions herein contained, and the City Council shall have full power and authority to revoke such license for cause.

338.04 License fee.

The annual fee for a secondhand dealer license shall be \$150. The annual fee for a scrap processing license shall be \$75 if the scrap processor's principal place of business is located in the State of New York, otherwise the fee shall be \$50.

338.05 Recordkeeping, tagging and holding requirements.

A. Every secondhand dealer and scrap processor shall keep a record book in which shall be written, at the time of the purchase of any item, a description thereof, the name, age and personal description of the person from whom the purchase was made and the date and time when the purchase was made. All such record books shall be open to inspection by any member of the Police Department of the City of Niagara Falls. The record books shall be securely bound, not less than six inches in either length or width, legibly written in the English language and shall show the amount paid for each item and the number attached to each item. No entry in such book shall be erased, obliterated, altered or defaced. The aforementioned record book of scrap processors shall be kept in addition to the records required to be kept under Section 69-q of the New York State General Business Law.

B. Every secondhand dealer shall, at the time of making any purchase, attach a tag to or otherwise legibly number each item bought and make entry of such number in the record book required by Section 338.05 (A).

C. Every secondhand dealer and scrap processor shall make out every business day, on blank forms to be furnished by the Superintendent of Police, a record containing the details of all ~~tpurchases of secondhand~~ items received during the preceding business day. The details to be reported on each purchase shall be prescribed by regulations promulgated by the Superintendent of Police. Every secondhand dealer and scrap processor shall deliver such daily report to the Superintendent of Police, or his representative, in person or electronically by facsimile or e-mail using such telephone number or e-mail address as provided by the Superintendent of Police, or his representative, no later than noon on the same day in which the report is completed. Such report shall also be retained by such secondhand dealer or scrap processor chronologically for a period of one (1) year at said business premises on the same day in which the record is completed. The aforementioned records of scrap processors shall be kept in addition to the records required to be kept under Section 69-g of the New York State General Business Law.

D. Identification of Seller. Such reporting shall also describe the name and verified address of the person selling said item, including seller's age, height, weight, race and gender. The seller's address and identity shall be established by the seller producing to the broker at least one (1) current and official photo identification documents that contain the person's name, photo, address and further identifying information. Acceptable photo identification documents are those produced by the Department of Motor Vehicles, being a

338.05

SECONDHAND DEALERS AND SCRAP PROCESSORS

4

photo I.D. driver's license or a non-driver's photo I.D. card, or one of many different official government identification cards, such as an official police or sheriff's photo I.D. or official military photo I.D. card. Social Security, draft registration, voter registration, library, employment, college I.D. cards, etc., shall not be considered sufficient identification for purposes of this Chapter. (Adopted 06/02/10)

E. If several items are purchased from the same person in a single transaction, they may be reported and tagged as a group, provided that each item is accurately described. Items may be described in commonly accepted terms of the trade.

F. No secondhand dealer or scrap processor shall permit any item which has been purchased or received by him to be sold, defaced or broken down until twenty-one (21) days have elapsed after the giving of the notice of purchase of such article as required in Section 338.05 (C). Items purchased or received from another secondhand dealer or scrap processor licensed under this chapter shall be exempt from this provision, provided that such items had been held for the required time period by the secondhand dealer or scrap processor disposing of the items.

G. The following activities shall be exempt from the requirements of this section:

1. The acceptance of items as a trade in full or partial payment for items of the same type or kind.
2. The purchase of items from a single individual for an aggregate price of less than \$10.
3. The purchase of motor vehicles.

338.06 General regulations.

A. No secondhand dealer or scrap processor shall receive or purchase any item unless the person selling the item identifies himself by means of identification approved by the Superintendent of Police as set forth in Section 338.05(D). (Amended 06/02/10)

B. No secondhand dealer or scrap processor shall receive or purchase any item from a person who is under 18 years of age, unless such person is accompanied by a parent or guardian.

C. No secondhand dealer or scrap processor shall have his place of business open for the transaction of business, nor shall he purchase any secondhand items, ferrous scrap or non-ferrous scrap from persons other than secondhand dealers or scrap processors, except between the hours of 8:00 a.m. and 11:00 p.m.

5 SECONDHAND DEALERS AND SCRAP PROCESSORS 338.06

D. Every secondhand dealer or scrap processor shall post his secondhand dealer or scrap processor license in a conspicuous location in his place of business.

E. No secondhand dealer or scrap processor shall conduct his business at any place other than the premises indicated on his application for a secondhand dealer or scrap processor license.

F. All secondhand dealers and scrap processors shall operate their businesses in compliance with all municipal ordinances.

G. All secondhand dealers and scrap processors shall post a sign or poster in a conspicuous place at the place of business in type of no less than 72 point size that reads as follows:

WE DON'T BUY CRIME

THIS BUSINESS COOPERATES WITH
THE NIAGARA FALLS POLICE DEPARTMENT
BY PROMPT NOTIFICATION OF ALL ITEMS RECEIVED.

338.07 Exemptions from licensing requirements.

A. Garage sales, basement sales, porch sales, yard sales and other such events at which a person desires to sell or trade his personal used items, household goods, furniture or equipment upon his premises, said premises not being a regular place of business for purchase or sale of secondhand items, shall be exempted from the license requirement of this chapter. No more than two such sales shall be conducted by the same person or persons upon the same premises within one calendar year, and each such sale shall not exceed 10 consecutive days.

B. Sales conducted for charitable purposes shall be exempted from the license requirement of this chapter. The determination of whether a sale is being conducted for a charitable purpose shall be made by the Superintendent of Police.

C. This chapter shall not apply to the return of secondhand items for credit, exchange or refund to the person from whom said items were originally obtained, provided that the items were not secondhand items when originally obtained.

338.08 Method of payment by dealer or scrap processor.

Payment for all items purchased by a secondhand dealer or scrap processor shall be made by means of a check drawn on the secondhand dealer's or scrap processor's account and made out in the name of the person selling the item. The

secondhand dealer or scrap processor shall record on the face of the check the number affixed to the item purchased pursuant to 338.05 (B). This section shall not apply to items purchased from a single individual for an aggregate price of less than \$10.

338.09 Denial of licenses or renewals.

A. The Superintendent of Police may deny a license or deny the renewal of a license to any applicant who is not of good moral character, who is not a fit and proper person to hold a license issued under this chapter or who makes a material misrepresentation on the license application. The Superintendent of Police shall give the applicant written notification of the reasons for the denial of a license.

B. The Superintendent of Police shall have the power to investigate and inquire into license applicants under this chapter and to require and enforce by subpoena the attendance of witnesses at such investigations.

338.10 Violations of this ordinance.

A. It shall be the duty of the Niagara Falls Superintendent of Police or his representative to report to the City Council any failure to comply with or any violation of the applicable foregoing sections on the part of any secondhand dealer or scrap processor.

B. Failure to comply with or any violation of the applicable foregoing sections on the part of any secondhand dealer or scrap processor could result in revocation of such secondhand dealer or scrap processor license upon good cause after due notice and hearing.

C. Any person violating any of the sections or subsections herein shall be guilty of a violation and shall be penalized One Hundred Dollars (\$100.00) for the first offense. Each and every violation thereafter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred and Fifty Dollars (\$250.00), or a sentence of imprisonment not to exceed fifteen (15) days or both such fine and imprisonment.

Bold and Underlining indicate Additions.

Strikethrough and Brackets indicate [Deletions].

RELATIVE TO A HOME RULE REQUEST FOR AUTHORIZATION TO REDUCE THE SPEED LIMIT TO NOT LESS THAN 25 MILES PER HOUR IN DOWNTOWN NIAGARA FALLS

BY: Council Chairman Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Glenn Choolokian
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, the City has previously requested our State Legislators to introduce bills authorizing the City of Niagara Falls to reduce the speed limit in downtown Niagara Falls to a speed limit not less than 25 miles per hour; and

WHEREAS, in accordance with said request bills are now pending before the Assembly and Senate (A.9094/S.6120) which authorize the City to reduce the speed limit to not less than 25 miles per hour in downtown Niagara Falls; and

WHEREAS, in order for the legislative process to continue, this Council is asked to adopt a Home Rule Request for passage of the pending bills.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that pursuant to article IX of the Constitution, the City of Niagara Falls requests the enactment by the New York State Legislature of the aforesaid pending bills for the authority to decrease the speed limit in downtown Niagara Falls to a speed not less than 25 miles per hour, and the Council declares that the necessity exists for the enactment of such legislation inasmuch as the City of Niagara Falls does not have the power to enact such legislation by local law; and

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

Agenda Item #17

RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL AID ELIGIBLE AND INELGIBLE PROJECT COSTS AND APPROPRIATING FUNDS THEREFOR FOR THE RECONSTRUCTION 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

BY: Council Chairman Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Glenn Choolokian
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, a project for the Reconstruction 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; and

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, duly convened does hereby approve the above-subject project; and

BE IT 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 of 100% of the Federal and Non-Federal share of the cost of the Preliminary Engineering and Construction Inspection phases for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the sum \$836,000 is hereby appropriated from bond funds (in addition to \$2,832,000 previously appropriated; \$286,000 for the project's Preliminary Engineering phase via City Resolution No. 2000-25 adopted on March 13th, 2000 and \$2,546,000 for the project's Preliminary Engineering and Construction phases via City Resolution No. 2009-30 adopted on April 6th, 2009 and made available to cover the cost of participation in the above phases of the Project; and

BE IT 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, \$3,668,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering and Construction & Construction Inspection phases exceeds \$15,662,000, 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

BE IT FURTHER RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursements 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 therefor that are not so eligible; and

BE IT 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

BE IT FURTHER RESOLVED, This Resolution shall take effect immediately.

RESOLUTION RELATIVE TO IMMEDIATE FREEZE ON SPENDING

By: Council Chairman Samuel Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Glenn Choolokian

WHEREAS, the City Controller has alerted this City Council to the serious cash flow problem the City is presently in primarily as a result of the fact that the City has not received its share of Casino Revenues for the past 2 years; and

WHEREAS, on March 26, 2012 the Niagara Gazette reported that Lt. Governor Duffy stated that there is no timeframe for resolving the ongoing Casino Revenue dispute; and

WHEREAS, this City Council will take whatever action is necessary and within its power to be fiscally responsible; and

WHEREAS, this City Council is committed to continuing to deliver services to the residents and taxpayers of this City without the necessity of tax increases and layoffs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York as follows:

1. Unless and until advised by the City Controller to the contrary, this City Council will not approve any requests for spending from the Mayor or Department Heads for non-budgeted items.

2. Unless and until advised to the contrary by the City Controller, this City Council will not approve any requests for the hiring of non-budgeted personnel from the Mayor or Department Heads.

3. This City Council declares that any requests for spending or hiring of budgeted items or positions must first be approved by the City Council Chairman.

4. Commencing with the adoption of this resolution and continuing through December 31, 2012, this City Council demands the Mayor and City Administrator direct all City Department Heads to cease spending on discretionary items and only spend money on non-discretionary items which are necessitated pursuant to agreements and contracts already in place.