TABLE OF CONTENTS
2014

FEBRUARY 3, 2014, REGULAR MEETING

FEBRUARY 19, 2014, REGULAR MEETING

MARCH 3, 2014, REGULAR MEETING

JANUARY 1, 2014

ORGANIZATIONAL MEETING **NIAGARA FALLS, NEW YORK**

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

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

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

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

Council Chairman Choolokian called for nominations for Council Chairman.

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

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

Yeas	5
Nays	0

Council Member Walker was unanimously elected Council Chairman for 2014.

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

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

Dennis Virtuoso
Owen Steed
Jason Zona
Mark Grozio

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

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

Agenda Item #1

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

2014 CITY COUNCIL AGENDA AND MEETING SCHEDULE.

5 pm -Work Session   6 pm -Council Meeting

January 6
January 21 - Tuesday

February 3
February 18 - Tuesday

March 3
March 17
March 31

April 14
April 28

May 12
May 27 - Tuesday

June 9
June 23

July 7
July 21

AUGUST RECESS

September 2 - Tuesday
September 15
September 29

October 14 - Tuesday
October 27

November 10
November 24

December 8
December 22

Yeas	5
Nays	0
	ADOPTED

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

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

Carol A. Antonucci
City Clerk

JANUARY 6, 2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

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

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

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

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

Yeas	5
Nays	0
	APPROVED

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

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

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

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

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

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

This Session ended at 5:25 PM

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: NIAGARA COMMUNITY ACTION PROGRAM, INC., FUNDING

Agenda Item #1

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

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

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

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

APPROVED

CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #2

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

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

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

Yeas 5
Nays 0

APPROVED

CONTRACT: NIAGARA FALLS BEAUTIFICATION COMMISSION, FUNDING

Agenda Item #3

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

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

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

Yeas 5
Nays 0

APPROVED

CONTRACT: NF BLOCK CLUB COUNCIL, FUNDING

Agenda Item #4

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

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

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

Yeas 5
Nays 0

APPROVED

PUBLIC WORKS: REORGANIZATION

Agenda Item #5

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

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: WATER BOARD, SAFETY SPECIALIST, SHARING

Agenda Item #6

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

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

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

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

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

Yeas 5
Nays 0

APPROVED

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

Agenda Item #7

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

Funding is available from the 2013 Tourism Signage line.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: NIAGARA ARTS & CULTURAL CENTER, FUNDING

Agenda Item #8

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

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

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

Yeas 5
Nays 0
APPROVED

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

Agenda Item #9

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

WHEREAS, the objectives of the investment policy are:

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

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

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

Yeas 5
Nays 0
ADOPTED

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

Agenda Item #10

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

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

Yeas 5
Nays 0
ADOPTED

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

Agenda Item #11

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

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

Yeas 5
Nays 0
ADOPTED

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

Agenda Item #12

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

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

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

APPOINTMENTS	TERM EXPIRES:
Nicholas Stopa	12/31/2016

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

TABLED

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

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

Agenda Item #13

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

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

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

TABLED

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

Agenda Item #14

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

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

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

TABLED

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

Agenda Item #15

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

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

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

ADOPTED

Council Member Anderson said he was not part of the process & would therefore abstain from the voting
Council Member Choolokian said it’s a shame that the former Chief of Staff was forced to retire & the Council lost a good person

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

Agenda Item #16

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

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

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

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

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

Yeas 5
Nays 0

ADOPTED

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

Carol A. Antonucci
City Clerk

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

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

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

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

Yeas 5
Nays 0
APPROVED

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

In the Administrative Update:

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

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

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

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

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

Yeas 5
Nays 0
MOTION TO REMOVE FROM TABLE APPROVED

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

Yeas 5
Nays 0
MOTION TO AMEND RESOLUTION APPROVED

This Resolution was added to the Agenda as #24.

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

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

Yeas 5
Nays 0

MOTION TO REMOVE FROM TABLE APPROVED

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

Yeas 5
Nays 0

MOTION TO AMEND RESOLUTION APPROVED

This Resolution was added to the Agenda as #25.

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

Yeas 5
Nays 0

MOTION TO AMEND COMMUNICATION APPROVED

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

Yeas 5
Nays 0

MOTION TO AMEND COMMUNICATION APPROVED

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

Yeas 5
Nays 0

MOTION TO AMEND COMMUNICATION APPROVED

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

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

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The Communication was added to the Agenda as #26.

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

Council Member Anderson moved to add the communication to the Agenda

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #27.

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

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

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

MOTION TO ADD COMMUNICATION TO AGENDA DEFEATED

(four Yea votes needed to add item to Agenda)

This session ended at 6:00 PM

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #3

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

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

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

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

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

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: TREE REMOVAL SERVICES, BENTLY TREE CARE, LLC

Agenda Item #4

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

TO: Bently Tree Care, LLC
9351 Route 20
Ripley, NY 14775

FOR: Removal of trees on City margins, including stump removal and ground restoration: $92,495.00

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to sixteen (16) vendors. Two (2) bids were received. The above referenced company submitted the lowest bid(on file in the City Clerk's Office).

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

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

CONTRACT: IN REM, COUNTY OF NIAGARA

Agenda Item #5

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

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

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

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: SPECIAL EVENTS, OVERTIME, FUNDING

Agenda Item #6

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

Will the Council so approve?

Council Member Grandinetti moved to table the communication.

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

TABLED

CONTRACT: SAL MAGLIE STADIUM, LIGHTING, FERGUSON ELECTRIC

Agenda Item #7

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

Funding is available from H0912.2009.0912.0419.006.

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

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

Yeas 5
Nays 0

APPROVED

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

Agenda Item #8

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

Funding is available from casino revenue.

Will the Council so approve?

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

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

APPROVED

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

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

CONTRACT: GRANT WRITING SERVICES, FUNDING

Agenda Item #9

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

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

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

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

APPROVED

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

CODE ENFORCEMENT: ELECTRICAL INSPECTOR, RESTORATION OF STIPEND, FUNDING

Agenda Item #10

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

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

CITY CONTROLLER: DEBT MANAGEMENT POLICY

Agenda Item #11

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

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

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

Yeas 5
Nays 0

APPROVED

CONTROLLER: REORGANIZATION, FINANCE DIVISION

Agenda Item #12

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

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

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

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

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

Yeas	5
Nays	0
	APPROVED

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

Agenda Item #13

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

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

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

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

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

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

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

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

APPROVED

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

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

Agenda Item #14

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

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

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

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

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

Yeas 5
Nays 0

APPROVED

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

Agenda Item #15

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

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

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

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

Yeas 5
Nays 0

APPROVED

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

Agenda Item #16

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

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

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

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

Yeas 4

Anderson Choolokian, Touma, Chairman Walker

Nays 1

Grandinetti

APPROVED

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

Agenda Item #17

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

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

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

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

Yeas 5

Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: STANEK, KIMBERLY

Agenda Item #18

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

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

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

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

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #19

Council Members:

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

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

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

Yeas 5

Nays 0

APPROVED

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

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

Agenda Item #21

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

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

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

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

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

From Mayor Paul Dyster, January 6, 2014:

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

Yeas 5
Nays 0
ADOPTED

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

Agenda Item #22

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

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

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

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

Yeas 5
Nays 0
ADOPTED

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

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

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

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

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

Yeas 5
Nays 0
ADOPTED

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

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

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

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

Yeas 5
Nays 0
ADOPTED

PURCHASE: PUBLIC WORKS, COLD PATCH, FUNDING

Agenda Item #26

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

Will the Council so approve?

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

Yeas 4

Anderson, Choolokian, Grandinetti, Council Chairman Walker

Nays 1

Touma

APPROVED

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

GOLF COURSE: EMERGENCY CLEANUP, RESTAURANT, FUNDING

Agenda Item #27

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

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

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

Carol A. Antonucci
City Clerk

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

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

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

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

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

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

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

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

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

Yeas	5
Nays	0

MOTION TO REMOVE RESOLUTION FROM TABLE APPROVED

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

Yeas	5
Nays	0

MOTION TO AMEND RESOLUTION APPROVED

The Resolution was added to the Agenda as #16.

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

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

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #17.

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

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

Yeas 5
Nays 0

MOTION TO AMEND RESOLUTION APPROVED

This Session ended at 5:55 PM.

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: ROPE RESCUE EQUIPMENT, FIRE DEPARTMENT, FUNDING

Agenda Item #1

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

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: GOLF COURSE RESTAURANT, ADJUSTMENT TO LICENSE AGREEMENT

Agenda Item #2

In the late summer of 2011, a problem developed with the air conditioning unit in the restaurant at the Hyde Park Golf Course run by the City's licensee. The weather was unusually warm during this period of time. The City was unable to repair this air conditioning unit in a timely fashion and in order to conduct his business and preserve his customer base, the licensee rented temporary air conditioners in order to address the problem. He advises that he did so with consent of a City representative. The licensee paid for these air conditioning units he rented from a vendor. The cost was $3,250.00. Attached (on file in the City Clerk's Office) is a copy of the invoice. The License Agreement specifically makes the air conditioning unit the City's responsibility. Because of the existence of this problem and continuing discussions between the City and the licensee about a resolution, the licensee did not pay his license fee in 2012.

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

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

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

Yeas	5
Nays	0
	APPROVED

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

Agenda Item #3

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

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: HARLESS, DONALD

Agenda Item #4

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

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

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

Yeas	5
Nays	0
	APPROVED

CLAIM: JACKSON, GLORY

Agenda Item #5

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

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

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSSION

2750 LIVINGSTON AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #6

DENIED:

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

THIS ITEM WAS RECEIVED AND FILED

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

Agenda Item #7

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

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

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

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

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

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

4013 BARTON ST., INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #8

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

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

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

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

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0

APPROVED

1118 ASHLAND AVE., INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #9

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

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

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

Submitted By: Carrie Brown, 1118 Ashland Avenue

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0

APPROVED

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

Agenda Item #10

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

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

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

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

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0

APPROVED

2746 WOODLAWN AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #11

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

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

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

Submitted By: Jeffrey Tornabene, 2746 Woodlawn Avenue

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0

APPROVED

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

Agenda Item #12

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

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

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

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

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

Yeas	5
Nays	0

ADOPTED

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

Agenda Item #13

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

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

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

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

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

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

Willie A. Price 91 Deuro Drive Niagara Falls, NY 14304	12/31/2014
Kim M. Congi 8416 Carol Court Niagara Falls, NY 14304	12/31/2014
Traci L. Bax 8654 Hennepin Avenue Niagara Falls, NY 14304	12/31/2014

Yeas 5
Nays 0
ADOPTED

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

Agenda Item #14

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

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

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

Yeas 5
Nays 0
ADOPTED

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

Agenda Item #15

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

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

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

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

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

Yeas 5
Nays 0
ADOPTED

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

Agenda Item #16

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

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

Yeas 5
Nays 0
ADOPTED

CONTRACT: FROZEN WATER LINES, GROSS PHC

Agenda Item #17

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

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

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

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

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

Carol A. Antonucci
City Clerk

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

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

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

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

Yeas	5
Nays	0
	APPROVED

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

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

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

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

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

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

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

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

This Session ended at 6:15 PM

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DEMOLITIONS, REGIONAL ENVIRONMENTAL DEMOLITIONS

Agenda Item #3

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

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

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

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

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

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

Yeas 5

Nays 0

APPROVED

HYDE PARK PLAYGROUND, EQUIPMENT REPLACEMENT, CD BLOCK GRANT FUNDING

Agenda Item #4

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

Funding is being re-programmed from the following sources:

2011 Single Family Housing Rehabilitation - $25,000

2013 Un-programmed Funding (As a Result of 1212 Niagara Street – Year 2000) – $27,300

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

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

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

Council Member Touma moved to table the communication.

Yeas 4

Anderson, Choolokian, Touma, Chairman Walker

Nays 1

Grandinetti

TABLED

CONTRACT: ISAIAH 61, PRE-DEMOLITION SALVAGE AGREEMENT

Agenda Item #5

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

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

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

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

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

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

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

Yeas 5
Nays 0
APPROVED

CITY PROPERTY: MEMORIAL PARKWAY, 452, SALE

Agenda Item #6

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

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

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

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

Will the Council vote to allow the sale of 452 Memorial Parkway?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

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

Agenda Item #7

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

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

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

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

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

Yeas 5
Nays 0

APPROVED

POLICE DEPARTMENT: FIRING RANGE/TRAINING EQUIPMENT, FUNDING

Agenda Item #8

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

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

FIRE DEPARTMENT: THERMAL IMAGING CAMERAS, FUNDING

Agenda Item #9

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

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

POLICE DEPARTMENT: COMPUTER EQUIPMENT/UPGRADES, FUNDING

Agenda Item #10

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

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

Agenda Item #11

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

Funding is available from H0812.2008.Road Reconstruction

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

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

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

Agenda Item #12

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

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

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

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

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

Yeas 5
Nays 0
APPROVED

LIBRARY BOARD: APPOINTMENT/REAPPOINTMENTS

Agenda Item #13

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

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

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

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: STANEK, KIMBERLY

Agenda Item #14

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

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

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

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CLAIM: ONE NIAGARA LLC, TAX CERTIORARI PROCEEDINGS

Agenda Item #15

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

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

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

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

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

Will the Council so approve?

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

Yeas 3

Anderson, Choolokian, Touma

Nays 2

Grandinetti, Chairman Walker

APPROVED

Council Member Choolokian said he will accept the recommendation of the Corporation Counsel & the City Assessor to approve the settlement.

Council Member Grandinetti said that a dangerous precedent is being set & the City should let the Courts tell us what to do.

Council Member Touma said the choice is to continue a long standing dispute or settle on a compromise & a compromise will provide a continuing revenue stream for the City.

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

Agenda Item #16

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

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

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

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

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

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

Yeas 5

Nays 0

ADOPTED

RESOLUTION: REDUCTION OF SPEED LIMIT IN DOWNTOWN NIAGARA FALLS, HOME RULE

BY: ALL COUNCIL MEMBERS

Agenda Item #17

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

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

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

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

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

Council Member Grandinetti moved to table the resolution.

Yeas 5

Nays 0

TABLED

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

Carol A. Antonucci
City Clerk

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

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

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

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

Yeas	5
Nays	0
	APPROVED

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

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

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

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

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

Yeas	5
Nays	0
	AMENDMENT APPROVED

This Session ended at 6:13 PM

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

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #1

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

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

CONTRACT: POTHOLE KILLER, PATCH MANAGEMENT, INC,

Agenda Item #2

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

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

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

Agenda Item #3

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

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: SCHOOL DISTRICT, OSC-21, FUNDING

Agenda Item #4

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

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

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

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

CONTRACT: PARKING CONSULTING SERVICES, DESMAN ASSOCIATES

Agenda Item #5

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

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

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

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

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

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

Agenda Item #6

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

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

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

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

Funding is available.

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #7

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

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

LAW DEPT.: MICROCASSETTE TRANSCRIBERS, FUNDING

Agenda Item #8

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

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #9

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

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

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: FIRE DEPT. OFFICERS ASSOCIATION, LOCAL 3359

Agenda Item #10

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

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

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

Yeas 5
Nays 0
APPROVED

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

CONTRACT: GOLF COURSE RESTAURANT, PATRICK DRISCOLL

Agenda Item #11

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

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

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

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

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

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

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

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

Yeas 5

Nays 0

APPROVED

PERSONNEL CHANGES: VARIOUS DEPARTMENTS

Agenda Item #12

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

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

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

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

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

Will the Council so approve?

Council Member Anderson moved to table the communication.

Yeas 4

Anderson, Choolokian, Touma, Chairman Walker

Nays 1

Grandinetti

TABLED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: STANEK, KIMBERLY

Agenda Item #13

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

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

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

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CLAIM: WULF, DANIEL

Agenda Item #14

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

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

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #15

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

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

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

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #16

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

1111.09 REGISTRATION AND LICENSING OF JOURNEYMEN PLUMBERS

• • •

(e) Examination:

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

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

• • •

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

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

ADOPTED

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

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

Agenda Item #17

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

1107.10 PERMIT FEES

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

• • •

ADDITIONAL PLUMBING FEES:

Application [to take the Plumbing Examination]:

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

• • •

Registration Fees:

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

Renewal Fees:

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

Reinstatement Fees:

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

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

Yeas	5
Nays	0
	ADOPTED

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

Agenda Item #18

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

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

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

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

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

Yeas 5
Nays 0
ADOPTED

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

Agenda Item #19

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

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

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

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

Yeas 5
Nays 0
ADOPTED

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

Carol A. Antonucci
City Clerk

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

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

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

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

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

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

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

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

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

Yeas	5
Nays	0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

The Item was added to the Agenda as #18.

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

Yeas	5
Nays	0

MOTION TO AMEND ITEM APPROVED

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

This Session ended at 5:35 PM

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

NFMMC: CARDIAC/STROKE CENTER, GRANT

Agenda Item #3

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

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

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

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

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

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

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

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

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

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

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

Agenda Item #4

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

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

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

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

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

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #5

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

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

PUBLIC WORKS: CAPITAL PURCHASES, FUNDING

Agenda Item #6

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

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

CODE ENFORCEMENT: VEHICLES, FUNDING

Agenda Item #7

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

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

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

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

PUBLIC WORKS: SMALL EQUIPMENT PURCHASE, FUNDING

Agenda Item #8
The Director of DPW has requested that the sum of $93,593.77 be made available to his department in order to purchase small equipment. Attached hereto (on file in the City Clerk's Office) is a list of the equipment he advises is necessary. Funding is available from account code H0912.
Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #9
Please be advised that Mayor Paul A. Dyster, on March 4, 2014, duly approved the following:

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

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: WELCH, SANDRA

Agenda Item #10

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

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?
Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: GRISSETT, JAMIE

Agenda Item #11

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

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

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

Yeas 5

Nays 0

APPROVED

CLAIM: D'AGOSTINO, LINDA M.

Agenda Item #12

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

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

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #13

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

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

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

Yeas 4

Anderson, Choolokian, Touma, Council Chairman Walker

Nays 1

Grandinetti

ADOPTED

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

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

Agenda Item #14

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

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

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

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

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

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

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

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

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

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

WHEREAS, the developer has worked with the Niagara Falls Memorial Medical Center, the Niagara Arts and Cultural Center, the Niagara Falls City School District, and various community organizations to move this project forward, NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby lends its support to the Housing Visions project and hereby requests an allocation of housing tax credits by New York State Homes and Community Renewal for this critical affordable housing and economic development project and that certified copies of this Resolution shall be sent to Governor Andrew Cuomo, HCR Commissioner Darryl C. Towns and members of the Western New York Assembly and Senate State Delegation.

Yeas 4

Anderson, Grandinetti, Touma, Chairman Walker

Nays 1

Choolokian

ADOPTED

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

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

Agenda Item #15

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

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

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

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

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

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

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

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

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

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

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

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

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

ADOPTED

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

Agenda Item #16

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

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

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

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

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

Yeas 5
Nays 0

ADOPTED

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

Agenda Item #17

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

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

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

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

Yeas 5
Nays 0

ADOPTED

PERSONNEL ADJUSTMENTS: VARIOUS DEPARTMENTS

Agenda Item #18

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

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

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

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

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

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

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

Carol A. Antonucci
City Clerk

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

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

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

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

Yeas	5
Nays	0
	APPROVED

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

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

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

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

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

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

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

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

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

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

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

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

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

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

This Session ended at 6:05 PM.

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

CONTRACT: SIDEWALK REPLACEMENTS, VARIOUS LOCATIONS, VENTRY CONCRETE CONTRACTING

Agenda Item #2

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

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

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

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

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

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

Yeas	5
Nays	0

APPROVED

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

Agenda Item #3

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

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

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

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

Will the council vote to so approve?

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #4

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

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

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

Funding is Available in Line: A.1620.2330.0419.006

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #5

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

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

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

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

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #6

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

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

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

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

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #7

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

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #8

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

Funding is available from casino revenues.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

POLICE DEPT., TRAFFIC ENFORCEMENT/COMMUTATIONS EQUIPMENT, FUNDING

Agenda Item #9

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

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

FIRE DEPT.: FIRE ADMINISTRATION BLDG, EQUIPMENT, FUNDING

Agenda Item #10

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

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

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

Agenda Item #11

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

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

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

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

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

CONTRACT: VERIZON, 911 EQUIPMENT, AMENDMENT

Agenda Item #12

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

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

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

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

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: STREET RECONSTRUCTION/OPENINGS, FUNDING

Agenda Item #13

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

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: CLEAN NEIGHBORHOOD TEAM, FUNDING

Agenda Item #14

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

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

Agenda Item #15

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

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

Agenda Item #16

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: SIDEWALK REPAIR, VARIOUS LOCATIONS, FUNDING

Agenda Item #17

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: VACANT LOTS CLEARING, BAKER TREE CARE

Agenda Item #18

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

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

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

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

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

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

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

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #19

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

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

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

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eight (8) companies. Three bids were received (on file in the City Clerk's Office). The above referenced company submitted the lowest bid.

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

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

Yeas 5

Nays 0

APPROVED

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

CONTRACT: COPIERS, DUPLICATING CONSULTANTS

Agenda Item #20

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

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

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

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

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

Yeas 5

Nays 0

APPROVED

GRIFFON PARK PROJECT: GREENWAY FUNDING

Agenda Item #21

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

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

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

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

Yeas 5
Nays 0

APPROVED

CONTRACT: PARKING CONSULTING SERVICES, DESMAN ASSOCIATES

Agenda Item #22

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

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

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

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

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

APPROVED

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

LIBRARY BOARD: APPOINTMENTS

Agenda Item #23

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

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

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

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

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: YEATES, JR., RICHARD G.

Agenda Item #24

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

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

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

Yeas	5
Nays	0
	APPROVED

CLAIM: BILLINGS, SHANNON E.

Agenda Item #25

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

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

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

Yeas 5

Nays 0

APPROVED

CLAIM: LUCCHETTI, THERESE E.

Agenda Item #26

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

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

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #27

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

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

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

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

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

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

Yeas 5
Nays 0
ADOPTED

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

Agenda Item #28

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

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

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

Yeas 5
Nays 0
ADOPTED

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

Agenda Item #29

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

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

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

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

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

Yeas 5
Nays 0
ADOPTED

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

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

Carol A. Antonucci
City Clerk

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

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

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

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

Yeas	5
Nays	0
	APPROVED

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

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

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

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

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

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

Council Member Touma moved to amend the communication.

Yeas	5
Nays	0
	AMENDMENT APPROVED

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

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

This Session ended at 5:37 PM.

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

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

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #3

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

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

Funding is available in code H1119.2011.1119.0449.599.

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

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

Yeas	5
Nays	0
	APPROVED

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

Agenda Item #4

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

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

Funding is available in code H1119.2011.1119.0449.599.

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

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

Yeas	5
Nays	0
	APPROVED

POLICE DEPT: NFPD, CAPITAL PURCHASES, FUNDING

Agenda Item #5

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

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

NIAGARA MILITARY AFFAIRS COUNCIL: FUNDING

Agenda Item #6

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

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

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

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

Yeas 5

Nays 0

APPROVED

CONTRACT: COURT HOUSE, CLEANING/MINOR REPAIR SERVICES, STATE REIMBURSEMENT

Agenda Item #7

Pursuant to New York State Law, the Unified Court System reimburses the City for cleaning its facilities located in the new Municipal Complex as well as performing minor repair services. This has been done pursuant to contract since the Municipal Complex opened. The agreement is now expiring and the new agreement will cover the period of State fiscal year 2013 – 2014 through State fiscal year 2017 – 2018, beginning April 1, 2013 and terminating on March 31, 2018. This agreement calls for New York State to reimburse the City for costs incurred by the City on a quarterly basis. These amounts fluctuate from quarter to quarter depending on time spent and are estimated to be approximately $82,366.75 per quarter and $329,467.00 annually. The State is current in its payments.

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

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

Yeas 5

Nays 0

APPROVED

POLICE DEPT: NFPD, SERVICE WEAPONS REPLACEMENT

Agenda Item #8

The Police Superintendent advises that Smith & Wesson ("SW") has offered to upgrade NFPD's 165 service revolvers for no cost. In order to avail itself of this opportunity, the NFPD will be required to turn over to SW the NFPD's existing 165 service revolvers. This is contingent upon the existing service revolvers tendered to SW to number 165 units and to be in good working condition. In the event that all 165 service revolvers are not turned in, or in the event that an existing service revolver is determined not to be in good working order, a charge of $410.00 per service revolver will be imposed together with a $16.50 charge for any missing magazines. Attached (on file in the City Clerk's Office) is a quote from SW in this regard.

Will the Council so approve and authorize the Mayor to execute any documents which may be necessary to complete this transaction?

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

Yeas 5

Nays 0

APPROVED

Council Member Touma commended the Police Superintendent for his work on this item.

CONTRACT: NTCC, PARKING SPACES

Agenda Item #9

The NTCC is requesting that the City allow the NTCC the use of 25 unrestricted parking spaces/permits in the City-owned parking lot located at the corner of 1st Street and Rainbow Boulevard. The NTCC is proposing to pay the City the sum of $40 per month per space/permit which equals the sum of $1,000 a month. This is the current market rate.

It is proposed that this agreement be for a twelve (12) month period of time, with the ability of either party to terminate the same on thirty days prior written notice. The NTCC is also requesting that persons attending meetings at the NTCC offices be permitted to park in one of their 25 spaces/permits should the capacity for such parking exist at that time.

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

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

Yeas 5

Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

IN REM: RECONVEYANCE OF TITLE, FORMER OWNERS

Agenda Item #10

The City is in the process of acquiring title to a number of parcels through the 2010 In Rem Tax Foreclosure. These properties will be auctioned on June 10, 2014. Frequently, the former owners attempt to redeem their property by paying all outstanding or delinquent City, School and County taxes with penalties and interest prior to the auction. Although this is not a legal right, this has been allowed by the City Council in the past to avoid unnecessary hardship. Accordingly, we are recommending that this Council authorize the reconveyance of title to those former owners who pay all outstanding In Rem fees, auctioneer redemption fee, City, School and County taxes with penalties and interest, and any applicable recording fees on or before the close of business on June 6, 2014.

Will the Council so approve and authorize the execution and delivery of deeds by the Mayor to any property owners who tender payment as set forth?

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

Yeas 5

Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DOT, TRAIN STATION, MATCHING FUNDS

Agenda Item #11

Attached (on file in the City Clerk's Office) hereto is a copy of the above referenced Grant Agreement which will provide an additional $1,400,000 to the City of Niagara Falls as matching State funds for the Niagara Falls International Rail Station and Intermodal Transportation Center project.

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

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

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

APPROVED

Amendment & attachment on file in the City Clerk's Office
Amendment changes source of State funds.
Council Member Grandinetti said she supports the Project & construction needs to move forward.
Council Member Touma commended the Administration for working with the state on this & said it is a job well done.

CONTRACT: TRAIN STATION, AMENDMENT #4, WENDEL DUCHSCHERER, ARCHITECTS & ENGINEERS

Agenda Item #12

A contract for consultant services for the above referenced project was awarded to Wendel-Duchscherer, Architects and Engineers, Inc. (WD), 140 John James Audubon Pkwy, Suite 201, Buffalo, NY 14228 by City Council on July 25, 2005 and dated January 3, 2006, which was subsequently extended in February 2010 to include right-of-way services, final design, and other services associated with the above project, in November 2012 to cover "pre-obligation" requirements of the Federal Railroad Administration for additional "pre-construction" activities, and again in January 2014 to cover additional services arising from the necessity to value engineer (VE) a reduction in scope and to revise the contract documents in preparation of re-bidding the project.

NF Intermodal Transportation Center Project (PIN 5756.28) costs are eligible for partial reimbursement under New York State Dept. of Transportation (NYS-DOT) Supplemental Agreement No. 2 (Comptroller's Contract No. D017307, NYS-DOT Supplemental Agreement #1 (Controller's Contract No. DH34504), and the Federal Railroad Administration Transportation Investment Generating Economic Recovery (TIGER II) Grant Agreement. The City's local-share funding is available in the Casino Revenue Fund for transfer to Capital Projects Fund H0402. A more detailed explanation of scope of services in this phase are contained the letter and services summary, from Wendel, dated April 7, 2014 and is attached (on file in the City Clerk's Office) hereto. The total for this phase scope of work is $3,080,000.00.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 4

Anderson, Grandinetti, Touma, Chairman Walker

Nays 1

Choolokian

APPROVED

Council Member Choolokian said spending should be focused on the infrastructure.

Chairman Walker said investment in the City is needed.

CONTRACT: TRAIN STATION, SCRUFARI CONSTRUCTION COMPANY INC.

Agenda Item #13

Attached (on file in the City Clerk's Office) is a recommendation to award the general construction contract for the NF-International Railway Station & Intermodal Transportation Center Project (PIN 5756.28).

The City held a public bid according to all the requirements of its State and Federal funding partners and is in receipt of a qualified low-bid from Scrufari Construction Company Inc. After appropriate due diligence in review of the contractor's proposal, it is the recommendation of the consulting Project Engineer award the contract as stipulated below.

The Administration concurs with this recommendation, and in accordance with the Project's budget and the contract documents, recommends the City Council award the General Construction contract to Scrufari Construction, Inc. in the amount of the Base Bid ($23,720,000.00) less Deduct Alternates #6, #13, and #2 for a total contract value of $22,691,000.00.

Also, on condition that the Contractor accept the unit prices set forth in the bid proposal and further agree to comply with the preconstruction requirements of the contract.

NF Intermodal Transportation Center Project (PIN 5756.28) construction costs are eligible for partial reimbursement under New York State Dept. of Transportation (NYS-DOT) Supplemental Agreement No. 2 (Comptroller's Contract No. D017307, NYS-DOT Supplemental Agreement #1 (Controller's Contract No. DH34504), and the Federal Railroad Administration Transportation Investment Generating Economic Recovery (TIGER II) Grant Agreement. The City's local-share funding is available in the Casino Revenue Fund for transfer to Capital Projects Fund H0402.

Will the Council vote to so approve and authorize the Mayor to allow the Contractor to execute construction contracts in a form acceptable to the Corporation Council?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

Council Member Choolokian said that he is glad that a Niagara Falls company won the bid.

Council Member Touma said a sound transportation system is needed in the City.

CONTRACT: TRACT I/TRACT II, REMEDIATION/DEVELOPMENT DATES EXTENSION, BRIGHTFIELDS CORP.

Agenda Item #14

In 2012, the City transferred Tract I and Tract II, consisting of 23± acres, to Brightfields Corporations. DEC-approved remediation of the sites has progressed. The transfer agreement called for completion of the work and a final engineering report to be submitted by October 31, 2013. In September of 2013, the City Council extended the date for completion of the remediation work to March 17, 2014. The extension was requested to accommodate additional work which became necessary.

An additional extension has been requested to complete the additional work on the site. Since the work is progressing under DEC monitoring, the extension should be granted. The extended date is for completion of the remediation is on or before November 1, 2014. If DEC approves a different date, the City will adopt the DEC approved date without further Council action.

Within 18 months of completion of remediation, Brightfields will construct playground improvements costing a minimum of $250,000.00 on five acres of the Tract II property. That land will be conveyed back to the City to become a City Park. This park will replace the Center Court playground which became part of the HOPE VI housing development. Within 24 months of completion of the remediation, Brightfields will complete on Tract I or Tract II at least one aspect of the proposed development at a cost, exclusive of remediation, of at least $1.5 Million.

Will the Council vote to approve the extended dates as set forth herein, with a remediation completion date of no later than November 1, 2014, which will also extend the park completion date to no later than May 1, 2016 and development completion date to no later than November 1, 2016, and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: SIGNAGE IN GRIFFON & LASALLE WATERFRONT PARKS, WENDEL

Agenda Item #15

Attached (on file in the City Clerk's Office) is a proposal from Wendel to develop initial signage and wayfinding design standards and documentation for the Park System of the City, as well as, to provide detailed design drawings for an initial signage procurement at Griffon and LaSalle Waterfront Parks and two interpretative signs (one at each park).

Funding is available in the Casino Revenue Fund for transfer to account code No. H0622.2006.0622.0451.000 [Parks Improvement]. The cost of the work is $7,320.00. (Note: does not include fabrication at this time.)

Will the Council so approve and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Counsel?

Council Member Choolokian moved to Table the communication

Yeas	5
Nays	0
	TABLED

CONTRACT: FIRE HOUSE, 3721 HIGHLAND AVE., RENOVATION

Agenda Item #16

The City of Niagara Falls, with assistance from a 2013 Western New York Regional Economic Development Council Grant, is renovating the now vacant, city-owned fire house at 3721 Highland Avenue. The end user of the renovated space will be The Isaiah 61 Project, returning the property to the tax roll. The facility will be the organization's trades training facility and re-use store for salvaged building materials.

The Isaiah 61 Project Trades Training Program began in 2012, in partnership with the Niagara Falls Community Development Department and The John R. Oishei Foundation. Since its inception, 50 people have graduated from the program and approximately 75 percent have found local job placement. There is a pressing need for more job training and placement in the City of Niagara Falls. As stated in the recently completed *Strengthening WNY's Safety Net: A Presentation of findings for the City of Niagara Falls*, slightly fewer than 20,000 jobs exist within Niagara Falls. Access to certified O/N BOCES trades training and the OSHA-10 course is an effective and cost efficient way to connect the under-employed with actual job opportunities.

The purpose of this project, and the city's joint venture with the Isaiah 61 Project, is to prepare unemployed residents for trades employment in strong partnership with the Niagara County Building and Construction Trades Council. Entering into a Project Labor Agreement, as with other recent city sponsored developments, will determine the terms and conditions of employment for the 3721 Highland Avenue Fire House Project, as the Niagara Falls Community Development Department prepares to bid contracted work in the next month.

Will the Council vote to allow the Mayor to negotiate and execute a Project Labor Agreement for the 3721 Highland Avenue Fire House Project.

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

Council Member Grandinetti thanked Wendel for their no charge services to the City on this Project & also commended the Isaiah 61 Project.

CONTRACT: TROLLEY SERVICE, NFTA

Agenda Item #17

It is desirable to reinstitute again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. It is recommended that Trolley Service commence on May 16, 2014 and conclude October 31, 2014. During the month of May, 2014 the Trolley Service will operate on weekends only (Friday, Saturday and Sunday). Trolley service from June 1, 2014 through October 31, 2014 will be on a daily basis. The cost to the City for this service will be $530,000. This will be subject to the terms and conditions contained in an agreement subject to approval by the Corporation Counsel which will also contain a route for service. Funding is available from the Tourism Fund.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

Council Member Touma thanked Frank Strangio and suggested that NFTA expand the Trolley Service throughout the County.

CONTRACT: LANDSCAPING/MAINTENANCE, MEDIANS/TRAFFIC CIRCLE, GARDENVILLE LANDSCAPING & NURSERY, LLC

Agenda Item #18

We respectfully request you award the above referenced bid as follows:

TO: Gardenville Landscaping & Nursery, LLC
3069 Clinton Street
West Seneca, NY 14224

FOR: Landscaping and maintenance of the medians along:
$57,397.00
Niagara Street, John B. Daly Boulevard, Rainbow Boulevard and the Traffic Circle:

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Thirteen (13) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Beau Enterprises, Inc. ($68,560.00), Wayside Nursery, Inc. ($119,850.00) and Villani's Landscaping ($187,090.00).

Funding was approved in the 2014 budget under the Infrastructure 5-year "Financial" Capital Plan.

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: MEALS FOR PRISONERS, FRANKIES DONUTS, INC.

Agenda Item #19

We respectfully request you award the above referenced bid as follows:

TO: Frankies Donuts, Inc.
717 Portage Road
Niagara Falls, NY 14301

FOR: Meals for prisoners at the Municipal Svcs. Building:

Breakfast (est. 3,000)	$ 1.00
Lunch (est. 6,700)	1.75
Supper (est. 2,200):	1.75

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Four (4) vendors. One other bid was received from CRR Holding, Inc., DBA Tim Hortons (Breakfast $2.30 ea., Lunch $6.97 ea. and Supper $6.97 ea.). The above referenced company submitted the lowest bid.

Funds for this expenditure are available in A3120.0001.0449.010.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

HOMESTEAD & NON-HOMESTEAD ASSESSMENT ROLL, CERTIFICATION OF BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS

Agenda Item #20

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached (on file in the City Clerk's Office) referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached percentages and proportions?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CITY PROPERTY: 18TH STREET, 1406, SALE

Agenda Item #21

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $200.00. This property was approved for sale by the Planning Board. Attached (on file in the City Clerk's Office) hereto is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BUFFALO AVENUE INDUSTRIAL CORRIDOR PROJECT, REVITALIZATION PLAN

Agenda Item #22

In 2009 the City applied for the above referenced grant, which was recently awarded in the amount of $403,632. This requires a local share of $44,848, which the City expects to fund with mostly in kind services provided by City personnel.

This funding will be used for consultants to complete a Step 2 Revitalization Plan for the Buffalo Avenue Industrial Corridor Project.

Will the Council so approve and authorize the Mayor to execute an agreement and other documentation in a form acceptable to Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

BUFFALO NIAGARA ENTERPRISE: MEMBERSHIP, FUNDING

Agenda Item #23

The City has an opportunity to become a member of the BNE which is a non-profit regional research, marketing and business development organization committed to bringing jobs and investment to the eight (8) counties of Western New York. The BNE has helped 272 companies to invest over 2.9 billion dollars in our region and retain more than 36,000 jobs since 1999. Attached (on file in the City Clerk's Office) hereto is a description of BNE activities together with a description of the various investor levels and the benefits from each respective level. It is recommended that the City participate in the $50,000 per year level.

Funding is available from casino revenues.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	3
Grandinetti, Touma, Chairman Walker	
Nays	1
Choolokian	
Abstain	1
Anderson	
	APPROVED

RESOLUTION: SERIAL BONDS, PAYMENT/REFUNDING, 2014-29
BY: ALL COUNCIL MEMBERS

Agenda Item #24

WHEREAS, the City of Niagara Falls, Niagara County, New York (hereinafter, the "City") heretofore issued $9,540,000 Public Improvement Refunding (Serial) Bonds, 2003, pursuant to a refunding bond resolution as further described in the bond determinations certificate of the City Controller dated February 25, 2003 (hereinafter referred to as the "2003 Refunded Bond Determinations Certificate"), such Public Improvement Refunding (Serial) Bonds, 2003, being dated February 25, 2003 with remaining maturities on March 1 in the years 2015 through 2024, both inclusive, as more fully described in the 2003 Refunded Bond Determinations Certificate (the "2003 Refunded Bonds"); and

WHEREAS, the City also heretofore issued $13,160,000 General Obligation Serial Bonds - 2004 Series A pursuant to various bond resolutions to pay the cost of various City purposes as further described in the bond determinations certificate of the City Controller dated November 1, 2004 (hereinafter referred to as the "2004 Refunded Bond Determinations Certificate"), such General Obligation Serial Bonds - 2004 Series A, being dated November 1, 2004 with remaining maturities on November 1 in the years 2014 through 2018, both inclusive, as more fully described in the 2004 Refunded Bond Determinations Certificate (the "2004 Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the 2003 Refunded Bonds and the 2004 Refunded Bonds (collectively, the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Niagara Falls, Niagara County, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds maturing in 2015 and thereafter as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, as well as any prepayment premium, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding $8,200,000 refunding serial bonds of the City pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately $8,015,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of $5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-14 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the City Controller pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the City Controller shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Controller. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of $5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the City Controller as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the City maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the City Controller providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the City Controller as fiscal agent of the City for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The City Controller, as chief fiscal officer of the City, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said City, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the City, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the City Controller is also hereby authorized to name the City Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The City Controller is hereby further delegated all powers of this Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Controller, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Controller shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each object or purpose for which such Refunded Bonds were issued is as specified in the 2003 and 2004 Refunded Bond Determinations Certificates which are incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the respective period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Council recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The City Controller is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the City Controller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The City Controller shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The City Controller is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said City Controller shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the City hereby elects to call in and redeem each Refunded Bond which the City Controller shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public or private sale to such underwriter as may be selected by the City Controller (the "Underwriter") for purchase prices to be determined by the City Controller, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds, subject to approval by the State Comptroller as required by Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the City Controller to the Underwriter in accordance with said purchase contract upon the receipt by the City of said purchase price, including accrued interest.

Section 11. The City Controller and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the City Controller and all powers in connection thereof are hereby delegated to the City Controller.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Yeas 5
Nays 0

ADOPTED

Council Member Choolokian thanked the Controller for saving the City money.

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:30 P.M.

Carol A. Antonucci
City Clerk

The first session of the April 28, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meeting of April 14, 2014.

Yeas	5
Nays	0
	APPROVED

City Administrator Donna Owens spoke on the contract with Modern for refuse pickup/recycling. She reported that: totes will be provided for residents for garbage, which will be picked up weekly, and recycling, which will be picked up every other week; Modern will be part of an aggressive education program, working with the schools, block clubs, etc. for the public on the advantages to recycling, both for the City and the residents; and added that the City Ordinances that pertain to garbage and recycling are being worked on to cover enforcement and other aspects of the program. Council Member Anderson said that the totes are a good idea. Council Member Touma asked about enforcement, and Ms. Owens responded that would be covered under the Ordinance by the Public Works Department; Council Member Anderson expressed his concern that the Public Works Department already has its hands full. Council Member Choolokian suggested making the larger size totes for garbage and the smaller size totes for recycling to which the City Administrator responded that, once the program is operational and residents are recycling all that they should, residents may have more recycling than garbage. Chairman Walker said he would rather have the program rolled out the right way from the beginning, rather than tweaking the program as it develops. The City Administrator responded that the current contract with Modern expires on May 1, and the delivery of the totes is not expected until August 1, so that gives three months to education citizens on the program as it develops. The City Administrator thanked those City staff who contributed to developing the program, and also Niagara County Environmental Coordinator Dawn Timm, who also spoke at the Meeting.

Council Member Choolokian asked about the trees that were being taken down on Griffon Avenue rather than Jayne Park. The Mayor responded that Jayne Park would have to wait due to the weather conditions, and Council Member Touma informed him that he had learned that the trees that were being taken down on Griffon Avenue were part of the sidewalk replacement program, and the trees would be re-planted once the sidewalks were done.

Council Member Choolokian said that citizens had contacted him about creating one or more dog parks in the City, and the Mayor said that he is working on it.

Corporation Counsel Craig Johnson distributed copies of an Item to be amended and three Items to be added to the Agenda:

1. Agenda Item #21, relative to the reconstruction of Buffalo Avenue. Mr. Johnson said that the first paragraph of the communication should be amended to properly show the name of the contractor and the amount.

Council Member Touma moved to amend the communication.

Yeas	5
Nays	0

MOTION TO AMEND COMMUNICATION APPROVED

2. A Resolution relative to recognizing True Deliverance Temple 40th Church Anniversary.

Council Member Touma moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #31.

3. A Resolution relative to honoring the 2014 Winners of the Niagara Falls Education Foundation Awards.

Council Member Touma moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #32.

4. A Resolution relative to declaring May 10, 2014, “Friendship Day” in the City of Niagara Falls.

Council Member Choolokian moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #33.

Chairman Walker asked if there was a time line for the transfer of the former Fire Hall at 3721 Highland Avenue to the Isaiah 61 Project. Director of Community Development Seth Piccirillo responded that the time line was five years.

Council Member Choolokian inquired about the status of the ice surface at the Ice Pavilion. The Mayor informed him that the locker room overhaul was being done first, and the rink would be done next April. In response to Council Member Touma’s question about responsibility for routine maintenance at the facility, the Mayor said that responsibility would belong to the operator of the facility. City Controller Maria Brown added that the City would have to go to the Bond Market to finance the Project.

Council Member Touma questioned the expense involved for repairs to the door at the LaSalle Library, and suggested exploring other options to get the work done at a less costly amount, possibly by a local craftsman or the Isaiah 61 Project. Library Director Michelle Petrazzoulo said that part of the money was from a State Construction Grant, and the rest was a match from the City. Council Member Choolokian requested that future Agenda Items provide information on the amount of City funds needed for that Item.

This Session ended at 5:55 PM

Chairman Walker reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Touma and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Paul Gromosiak	Agenda Item #10
Ron Anderluh	Agenda Item #10
Ronda Grose	Agenda items #12, #17
Diane Tattersall	Agenda Items #12, #17
Joanne Gialloretto	Agenda Items #12, #17
Nicole Holland	Agenda Items #12, #17
Ken Hamilton	Agenda Items #12, #17
Dan Davis	Cleanup of Pond that goes to Gill Creek & Hyde Park Lake
Michael Heylek	Dog Parks in City
Diane Tattersall	Security in Parks
Ron Anderluh	Security in Parks
Gerald Skrlin	Conditions of properties on Buffalo Ave.
Ken Hamilton	Thanks for Legends Park; need Basketball Courts at Hyde Park; rename part of 9th St. after Bloneva Bond; electronic/pickup droppff

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

POLICE DEPARTMENT: OVERTIME AND RELATED EXPENSES, FUNDING

Agenda Item #1

The Superintendent of Police is requesting that the sum of $200,000 be made available to the NFPD to cover unexpected and unbudgeted overtime and related expenses that he is anticipating will occur. Attached (on file in the City Clerk’s Office) hereto is a letter of transmittal from the Police Superintendent identifying his needs and the amounts necessary and funding sources for each respective item.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ASSISTANCE SERVICES, NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #2

It is recommended that the City enter into an agreement for calendar year 2014 with the Niagara County Office for the Aging. As per the agreement, the City provides information and assistance services to persons sixty years old or older who meet eligibility requirements. In exchange, the City is compensated in the amount of $9,025.

Will the Council so approve and authorize the Mayor to execute an agreement acceptable to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CODE ENFORCEMENT DEPARTMENT: REPAIR, DEMOLITION OR BOARD OF STRUCTURES, EXPENSES

Agenda Item #3

In accordance with Chapter 1133, Section 1133.08 of the City of Niagara Falls Codified Ordinances, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall "order an assessment against said premises for several sums herein reported".

We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the City of Niagara Falls Codified Ordinances.

A list of all chargeable costs incurred is attached (on file in the City Clerk's Office). A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Code Enforcement.

Will the Council so order?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: EMPLOYEE ASSISTANCE PROGRAM, FIRE DEPARTMENT, PALLADIAN HEALTH

Agenda Item #4

Attached (on file in the City Clerk's Office) please find the proposed agreement between the City and Palladian Health, LLC, whereby Palladian will provide Employee Assistance Program services for the members of the Niagara Falls Fire Department. This proposed two year agreement is necessitated by the expiration of the current EAP services contract for the Niagara Falls Fire Department on April 30, 2014. Funds for this expenditure are available in A3410.3010.0449.599.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: NIAGARA INTERNATIONAL TRANSPORTATION TECHNOLOGY COALITION: MEMORANDUM OF UNDERSTANDING, MEMBERSHIP

Agenda Item #5

It is requested that the City Council authorize the Mayor to enter into a Memorandum of Understanding for the City's continued general membership in NITTEC. The mission of NITTEC is to maintain a regional, cooperative approach to transportation management and thereby improve regional and international transportation mobility, promote economic competitiveness, and minimize adverse environmental effects related to the regional transportation system. General membership in NITTEC is at no cost to the City.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CULINARY INSTITUTE: CAPITAL PROJECT, CLOSEOUT, FUNDING

Agenda Item #6

The City Controller advises that she and representatives from USA Niagara Development Corp. have made the final reconciliations to the above project. The amount required to conclude this matter inclusive of the City's portion of utilities, security and the beginning design phase of the project is $278,290. Funding is available from Casino revenues and is to be transferred to this Capital project budget line. The City Controller previously earmarked Casino revenues for this purpose.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS DEPARTMENT: MEO-2'S, FUNDING

Agenda Item #7

The Director of DPW is requesting that funding be allocated for the hiring of four (4) temporary MEO-2's for the month of December, 2014. The hiring of these drivers will assist DPW with the 24/7 winter shift schedule that begins on December 1, 2014. The amount requested is $12,402.00, inclusive of FICA and is available from Fund Balance. These dollars will be transferred into DPW's Streets Division/Snow Removal account no. A.5142.0000.0130.000.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma said he had spoken to John Caso who told him these positions are needed to reduce overtime and supplement the 3 shifts.

ISAIAH 61 PROJECT, INC.: 3721 HIGHLAND AVE, RENOVATIONS GRANT

Agenda Item #8

The former fire station at 3721 Highland Avenue is located on a 40 x 101.71 foot lot. The 4,240 square foot building was built in 1917. It is currently assessed at $6,000.00. The building is in dilapidated condition. The City obtained an Empire State Development Western New York Regional Council Grant to rehabilitate the project into a Trade Job Training Facility to be operated by the Isaiah 61 Project. It is proposed that the City sell the property to Isaiah 61 for the assessed value of $6,000.00. The transfer will take place after the renovation, as the City is the grantee of the state grant.

The transfer was presented to the Planning Board at its April 23, 2014 meeting. The Planning Board recommendation will be available at the April 28, 2014 City Council meeting.

The grant is for up to $132,000.00, to cover a portion of the renovation costs. The contract or contracts for the renovation will require City Council approval. The grant requires a City match of at least 10% of the project costs, which can be paid from Casino revenues. It is anticipated that the City contribution will exceed the required match. The City is currently providing administrative support for Isaiah 61 from CDBG funds, and the 2014 CDBG budget provides program funding for Isaiah 61. No CDBG funds are budgeted for the renovation.

City Charter §59 requires that real property be sold at public auction to the highest bidder. Approval of a negotiated sale requires that Council determine that the best interest of the city shall be subserved by dispensing with a sale at public auction.

Will the Council vote:

(a) to accept the grant;

(b) to determine that the best interest of the city shall be subserved by dispensing with a sale at public auction;

(c) to approve the transfer of 3721 Highland Avenue as set forth herein; and

(d) to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: DEMOLITION, 2928 HIGHLAND AVE., CHANGE ORDER

Agenda Item #9

On February 18, the City awarded demolition contract CD2014-1 in the amount of $456,822.00. Unforeseen circumstances arose in the course of demolition of 2928 Highland Avenue.

It became necessary to remove an additional 3,600 cubic feet of piles of friable debris from the site. Newly dumped friable debris contaminated existing debris on the site, rendering all the debris friable. The cost of removal and disposal of the friable debris is $2,085.46.

An additional 350 square feet of asbestos plaster or drywall was revealed when a stair hatch to the cellar was exposed. The cost of removal and disposal is $2,371.72.

Finally, an additional 200 square feet of asbestos plaster wall was discovered in the attic after the job was started. The cost of removal and disposal is $1,175.64.

These are fair prices for removal of this asbestos containing material from these locations.

Funding is available in the Community Development budget code CD1.8666.0000.0450.500 (CDR599).

Will the Council approve change order 1 to CD2014-1 in the amount of $5,632.82 and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

POLICE DEPT.: RANGER PROGRAM, HIRING OF SUPERVISOR

Agenda Item #10

The 2014 Niagara Falls Ranger Program, a targeted police foot patrol operation that incorporates the hiring of part-time college students and local young people to act as city ambassadors, is a budgeted component of the 2014 United States Department of Housing and Urban Development Community Development Action Plan and the 2014 Casino Budget. The Niagara Falls Police Department is prepared to hire the program’s part-time program supervisor, in order for the initiative to be fully operational for the summer months. The budgeted HUD amount, $120,000, will be used to fund the actual ranger stipends. The supervisor’s salary is requested from the casino funded budget. Requested amount from that source: $8,500.

Does the Council approve this request?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: STREET MILLINGS, SALE, METRO CONTRACTING & ENVIRONMENTAL INC.

Agenda Item #11

We respectfully request you award the above referenced bid as follows:

TO: Metro Contracting and Environmental, Inc.
2939 Lockport Road
Niagara Falls, NY 14305

FOR: Sale of approximately 37,785 tons of street millings generated during the 2014 paving season: $ 2.04/ton

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (5) vendors. Six (6) bids were received. The above referenced company submitted the highest price for the millings. Five (5) other bids were received from: Modern Corporation, $ 1.55/ton; LaFarge North America, $ 1.34/ton; Villani's Lawn & Landscape, LLC, $1.00/ton; Armand Cerrone, $ .76/ton; and Yarussi Construction Inc., $ .10/ton.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: REFUSE COLLECTION/DISPOSAL/RECYCLABLE MATERIALS COLLECTION & PROCESSING, MODERN DISPOSAL SERVICES, INC.

Agenda Item #12

We respectfully request you approve the above mentioned Contract as follows:

TO: Modern Disposal Services, Inc.
4746 Model City Road
PO Box 209
Model City, NY 17107-0209

FOR: Five (5) year contract for refuse hauling from collection sites from wheeled carts within the City limits, refuse disposal of all waste collected, recycling hauling from collection sites within City limits, processing and sale of recyclables commencing May 1, 2014 and ending April 30, 2019. Refuse Collection will remain every week and recycling collection will be every-other week.

A copy of the bid received by Modern Disposal Services, Inc. is attached (on file in the City Clerk's Office) for your information. Also attached is a spreadsheet projecting anticipated results of this Contract.

The City Purchasing Division certifies that Proposals were solicited in accordance with New York State General Municipal Law 120w. The above referenced Company submitted the only Proposal. Waste Management and Allied Waste Service submitted letters of decline as their response.

This expenditure will be charged to budget code:
A8160.0000.0449.003

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

Council Member Choolokian said that the Council & the Mayor need to work together to work out the bugs on this Project.

CONTRACT: LASALLE LIBRARY, WOOD DOOR REPLACEMENT, SICOLI

Agenda Item #13

Three quotes were solicited from contractors. The following two were the result of bids received on April 22, 2014 for the above referenced project:

CONTRACTOR	BASEBID
Sicoli Construction Services, Inc. 4800 Hyde Park Blvd. Niagara Falls NY 14305	$18,750.00
Big L Windows & Doors	$20,750.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Sicoli Construction Services, Inc. at their total bid of $18,750.00. Funding is available in Code H0904.2004.0904.0449.599 and casino revenue.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

Council Member Touma said he would like the Administration to seek ways to get things done by using other options that are less costly.

CONTRACT: PARKING RAMP II, FIRE PROTECTION SYSTEM IMPROVEMENTS, DAVIS-ULMER

Agenda Item #14

Upon completion of the both the County's Culinary Arts Facility and the City's concurrent parking ramp renovations, it was determined that for code compliance and public safety purposes, the fire protection systems of the former retail mall and parking ramp be separated, as well as improved so as to meet current building codes. To facilitate the process, the parking ramp's sprinkler system's subcontractor, Davis-Ulmer, was retained to perform the analysis of the existing system and to take any/all corrective measures necessary to achieve code compliance. The total cost for both analysis and the corrective actions is $25,500.00. Funding is available in code: C.R. 1720.2570.0449.599

Will the Council vote to so approve the measures taken, and reimbursement of costs incurred, to comply with current codes and ordinances?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, MECHANICAL CONTRACT, JOHN W. DANFORTH, CO.

Agenda Item #15

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID
John W. Danforth Co. 300 Colvin Woods Pkwy Tonawanda NY14150	$42,000.00
Parise Mechanical, Inc.	$44,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, John W. Danforth Co., at their Base Bid of $42,000.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.599 and casino revenue.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

PURCHASE: FIRE RESCUE TRUCK, EMPIRE EMERGENCY APPARATUS, INC.

Agenda Item #16

We respectfully request you award the above referenced bid as follows:

TO: Empire Emergency Apparatus, Inc.
3995 Lockport Road
Niagara Falls, NY 14305

FOR:	One (1) Rosenbauer EXT Heavy Rescue Apparatus Body:	$368,810.00
	One (1) Rosenbauer Commander Chassis	241,061.00
	Credit for payment of chassis at time of delivery:	(9,252.00)
	TOTAL:	$600,619.00

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (5) vendors. Two bids were received (on file in the City Clerk’s Office). The above referenced company submitted the lowest bid to meet the City’s specifications.

Funds for this expenditure were approved in the 2014 Budget-Capital Budget for Fire Department Vehicles & Equipment.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: REFUSE/RECYCLING CART PURCHASE & DELIVERY, CASCADE CART SOLUTIONS

Agenda Item #17

We respectfully request you approve the above mentioned Contract as follows:

TO: Cascade Cart Solutions
4950 37th Street
Grand Rapids, MI 49512

FOR: Purchase and delivery of wheeled 64 gallon refuse carts (approximately 23,000 carts) $42.78 ea. $983,940.00 total
Purchase and delivery of wheeled 96 gallon recycling carts (approximately 22,000 carts): $50.96 ea. $1,121,120.00 total
Purchase of Scanner & Software for inventory monitoring (includes 10 year software licensing): $19,389.00
TOTAL: 2,124,449.00

The City Purchasing Division certifies that Bids (on file in the City Clerk's Office) were solicited in accordance with New York State General Municipal Law 103. The above referenced Company submitted the lowest Bid.

The City is eligible to submit a Grant for reimbursement of up to 50% of the cost of recycling carts.

We further request the Council authorize the use of Casino funds for this purchase.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Touma said he has done a cost comparison with other Contracts; this will improve the quality of life for residents

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, CONSULTANT SERVICES, DIDONATO ASSOCIATES, P.E.

Agenda Item #18

A contract for the above referenced project was awarded to DiDonato Associates, P.E. of Buffalo on February 19, 2014 for professional services and design related tasks in the amount of $94,500.00.

This new work involves full time Construction Inspection and any related testing, for Phase III of the project.

It is the recommendation of the undersigned that the City extend the existing professional service agreement with DiDonato Associates P.E. in the amount of $ 58,560.00 to provide continuing on-site inspection for a new total of $153,060.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

Will the Council vote to so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, PLUMBING CONTRACT, MOLLENBERG-BETZ, INC.

Agenda Item #19

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID	ALT.#1	ALT.#2
Mollenberg-Betz Inc. 300 Scott St. Buffalo NY 14204	$108,000.00	$15,100.00	$22,800.00
J.R.Swanson	$139,200.00	$20,600.00	$34,100.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Mollenberg Betz, Inc., at their Base Bid of $108,000.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT, VARIOUS LOCATIONS, YARUSSI CONSTRUCTION, INC.

Agenda Item #20

The following was the result of bids received on April 16, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Yarussi Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$ 341,412.00
Mark Cerrone, Inc.	$ 358,570.00
Socko Construction Co.	$ 361,670.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Yarussi Construction Inc. at their Base Bid of $341,412.00. Please note that this amount is funded by a combination of both CHIPS ($114,562.00) and Casino Revenue ($226,850.00) sources. Funding is available in codes H0314.2014.0314.0449.599 and H0621.2006.0621.0449.599 respectively.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: BUFFALO AVE. RECONSTRUCTION, CLOUGH HARBOUR, CHANGE ORDER

Agenda Item #21

A contract for the above referenced project was awarded to Clough, Harbour & Associates, LLP on April 10, 2006 in the amount of $2,500,000.00.

To accommodate the contractor's late season construction rush, our inspectors and their environmental sub consultants were required to keep pace with both on-site and laboratory testing to adequately deal with any possible handling and disposal issues encountered. The costs for both the field and laboratory processing of the numerous samples collected totals $180,520.00. Anticipating minimal additional monitoring and analysis as the contractor prepares to handle seasonally related plantings and temperature sensitive material installations, to complete this project, the undersigned request a "not to exceed" amount of $185,000.00 to be added to the consultant services agreement we have with Clough-Harbour Associates (CHA), bringing their final contract total to $5,053,900.00.

Please note that this amount is 95% reimbursable through current agreements between the City and New York State Department of Transportation.

Will the Council vote to approve and authorize the Mayor to execute a change order in a form acceptable to the Corporation Counsel?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Amendment was to change the 1st sentence.

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, GENERAL CONTRACT, SICOLI CONSTRUCTION SERVICES, INC.

Agenda Item #22

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Sicoli Construction Services Inc. 4800 Hyde Park Blvd. Niagara Falls NY 14305	$408,600.00
Sicoli & Massaro, Inc.	$472,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Sicoli Construction Services, Inc., at their Base Bid of $408,600.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, ELECTRICAL CONTRACT, CIR ELECTRIC SONSTRUCTION CO.

Agenda Item #23

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID
CIR Electric Construction Co. 400 Ingham Ave. Buffalo NY 14218	$ 61,900.00
Industrial Power & Lighting Corp.	$ 84,700.00
M&M Electric Co. Inc.	$100,705.00
Electric Service & Systems, Inc.	$103,400.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, CIR Electric Construction Co., at their Base Bid of $61,900.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: KING, DEANNA C.

Agenda Item #24

Date Claim Filed:	March 18, 2014
Date Action Commenced:	N/A
Date of Occurrence:	February 20, 2014
Location:	1654 Niagara Avenue, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Kristina Ligammari
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$270.70
Make Check Payable to:	Deanna C. King
Conditions:	General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: DAY, BRADLEY R.

Agenda Item #25

Date Claim Filed:	August 15, 2012
Date Action Commenced:	January 18, 2013
Date of Occurrence:	July 23, 2012
Location:	1785 New Road, Niagara Falls, NY
Nature of Claim:	Injuries sustained from falling object.
Status of Action:	Pre-trial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$20,000.00
Make Check Payable to:	Bradley R. Day and Cellino & Barnes, P.C.
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above action be paid under the terms set forth above. Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CITY PROPERTY: NINTH ST, 405, SALE

Agenda Item #26

The Council previously approved the sale of the adjoining lot at 407 Ninth Street to the Frank and Geraldine Fusarelli.

During the review of the request to purchase that lot the Department of Public Works suggested that the Fusarellis might be interested in the adjoining vacant City-owned lot at 405 Ninth Street as that would expand their parcel and would also remove the liability and maintenance responsibilities from the City.

This was communicated to the Fusarellis and they submitted a request to purchase the lot.

This was presented to the Planning Board for a recommendation to Council and the Planning Board voted to not recommend their request. A copy is attached hereto (on file in the City Clerk's Office).

Since the Council is not bound by the Planning Board recommendation, the Fusarellis asked that their request be submitted to the Council.

Will the Council approve the sale of this premises for the sum of $10.00 in an "as is" condition and with the requirement to combine the property with 407 and 409 Ninth Street, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Choolokian moved to Table the communication.

Yeas 5
Nays 0
TABLED

RESOLUTION: NIAGARA FALLS YOUTH BOARD, 2014-31
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #27

WHEREAS, the City Council established the Niagara Falls Youth Board in 1965; and

WHEREAS, there are currently fifteen members on the Youth Board; and

WHEREAS, the Youth Board has found that this number is not manageable for obtaining quorums for meetings and has requested that the number of members be reduced to nine.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the Niagara Falls Youth Board will consist of nine members to be appointed by the Council for three year terms, one of whom must be between the ages of sixteen and twenty-one years old.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: YOUTH BOARD, REAPPOINTMENTS, 2014-32
BY: COUNCIL CHAIRMAN CHARLES A. WALKER

Agenda Item #28

BE IT RESOLVED, that the following individuals are hereby re-appointed to the City of Niagara Falls Youth Bureau for the term expiring on the date which appears opposite their names:

RE-APPOINTMENTS	TERM EXPIRES:
Noreen Chatmon	12/31/2014
Michael Montanaro	12/31/2016
Rashad Travis	12/31/2016
Rick Williams	12/31/2016

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CAPITAL PLAN, ESTABLISHING COMMITTEE, 2014-33
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #29

WHEREAS, the costs of various capital projects have exceeded their projected costs, as contained in the City’s current Capital Plan, and

WHEREAS, the costs of several new capital projects are not reflected in the City’s current Capital Plan,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby requests that the mayor convene a committee to create a new capital plan that more accurately reflects the costs of capital projects to the city.

Yeas 5
Nays 0
ADOPTED

Chairman Walker said there were items that were over budgeted/not included/over spent in the Capital Plan & the Plan needs to be redone.

RESOLUTION: CIVIL SERVICE COMMISSION, REAPPOINTMENT, 2014-34
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #30

BE IT RESOLVED, that the following individual is hereby reappointed to the Municipal Civil Service Commission for a term concluding at the expiration date appearing opposite his name:

RE-APPOINTMENT	TERM EXPIRES:
Mr. Lewis Rotella 8950 Rivershore Drive Niagara Falls, NY 14304	5/31/2020

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TRUE DELIVERANCE TEMPLE, 40TH CHURCH ANNIVERSARY, RECOGNIZING, 2014-35
BY: ALL COUNCIL MEMBERS

Agenda Item #31

WHEREAS, In February we celebrate Black History Month, a time to recognize people who made sacrifices for the common good, whose will was unbending, whose individual ambitions and endowments they put into a service of a cause greater than personal wealth or fame, and

WHEREAS, during that month the Niagara Falls community honored Dr. Frances S. Douglas founder of True Deliverance Temple for her willingness to accept the holy call of God, not according to her own works, but according to his own purpose and grace, (2 Timothy 1:8-9) and

WHEREAS, on April 26th, at the Como Restaurant in Niagara Falls New York, Pastor Paul Douglas along with the congregation, family and friends of True Deliverance Temple will celebrate 40 years in the ministry, and

WHEREAS, we also take this moment to honor the leadership and vision of Overseer Dr. Frances Douglas who after being ordained in April of 1974, began the ministry presently known as True Deliverance Temple located at 1318 Niagara Street city of Niagara Falls and after 31 years of leadership and growth turned the ministry over to her son Pastor Paul Douglas, and

Whereas, this ministry has touched the lives of many, giving hope and counseling to the lost, support and service to the needy, while Niagara Falls has changed especially in the community for which True Deliverance serves, the ministry has remained steadfast, unmovable always abounding in the Lord, the foundation for which she was built.

NOW THEREFORE, BE IT RESOLVED we the Niagara Falls City Council on behalf of the citizens of this great city would like to congratulate True Deliverance Temple on your 40th Church Anniversary, and we acknowledge the contribution your ministry has made in this city, the lives in which you have touched for we are a better city because of your presence.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: EDUCATION FOUNDATION AWARD WINNERS, HONORING, 2014-36
BY: ALL COUNCIL MEMBERS

Agenda Item #32

WHEREAS, the Niagara Falls Education Foundation will hold its 4th Annual Scholarship & Alumni Recognition Dinner on Thursday, May 1, 2014, and

WHEREAS, the second generation of the Certo family, represented by Ms. Mary and Ms. Elizabeth Certo, will be honored as Distinguished Alumni for the hard work and dedication they poured into the Certo Brothers Distributing Co., a business that was founded in Niagara Falls and that has served Western New York for over 100 years, and

WHEREAS, Mr. Joseph Petrozzi will be honored as a distinguished Alumnus for his industriousness and commitment to his craft as founder of Capitol Cleaners, a Niagara Falls institution that has served the city since 1948, and

WHEREAS, Dr. Michael J. Cardamone will be honored as an Emerging Leader Alumnus for his success in establishing and growing Cardamone Chiropractic, a practice that has assisted the people of Niagara Falls and the Western New York region since the early 2000s, and

WHEREAS, Mr. Jonny Flynn will be honored as a member of the Niagara Falls School District Athletic Hall of Fame for his cultivation of world-class skill and ability in the game of basketball, having led an impressive and inspiring career in the sport, from his days as a Wolverine at Niagara Falls High School to his college years with Syracuse University, and from his NBA career with the Minnesota Timberwolves, the Houston Rockets, and the Detroit Pistons, to his career abroad with the Melbourne Tigers and Sichuan Blue Whales, and

WHEREAS, the late Mr. James Williams, a 1964 graduate of Niagara Falls High School, will be honored as a member of the Niagara Falls School District Athletic Hall of Fame for his devotion to and success in athletics, both as a player, having played basketball in high school and played both basketball at football at the University at Buffalo, and as a coach and mentor to a generation of young sportsmen and women in his adult years,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council extends a heartfelt congratulations to the 2014 award winners, and thanks them for their hard work and inspiring drive to succeed.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: FRIENDSHIP DAY, 2014-37
BY: ALL COUNCIL MEMBERS

Agenda Item #33

WHEREAS, the Niagara Falls chapter of The Links, Incorporated, founded in 1950, will be hosting the biennial conference of its “BERNS” members (Buffalo, Erie, Rochester, Niagara Falls, Syracuse) from Friday, May 9 to Saturday, May 10, and

WHEREAS, The Links, Incorporated has brought together thousands of women from around the world to promote friendship and community service since its founding 1946 in Philadelphia, PA, and now boasts a membership of over 12,000 individuals, and

WHEREAS, the biennial meeting of the BERNS chapters shall assemble on the weekend of May 9-10 to rededicate themselves to their noble cause,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby declares May 10, 2014 to be “Friendship Day” in the City of Niagara Falls, in honor of the service and dedication of the Niagara Falls chapter of The Links, Incorporated.

Yeas	5
Nays	0
	ADOPTED

PUBLIC WORKS: SPECIAL EVENTS, OVERTIME, FUNDING

Agenda Item #34

The Director of the Department of Public Works ("DPW") is requesting that the sum of $33,000.00 be made available to the department's Special Events Overtime budget line in order to pay for DPW related tasks pertaining to events held in the City during year 2014, particularly in the downtown tourist area. Funding is available from Tourism Fund Balance. The Special Events Overtime budget line in the DPW budget is A.7550.0000.0140.000. This $33,000.00 includes $30,000.00 of overtime and $3,000.00 for FICA.

Will the Council so approve?

Council Member Touma moved to Remove the Item from the Table (item was Tabled at the January 21, 2014 Council Meeting.

Yeas	5
Nays	0

MOTION TO REMOVE FROM THE TABLE APPROVED

The Item was added to the Agenda as #34

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:20 P.M.

Carol A. Antonucci
City Clerk

April 22, 2014

Members of the City Council
And
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9b of the City Charter to be held on Friday, April 25, 2014 at 3:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Call for a Public Hearing to amend the City Charter relative to amending Article VIII entitled "Taxation and Assessment" by adding a new Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather Pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'"

Respectfully submitted
Charles Walker
Council Chairman

The April 25, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 3:02 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti,, Andrew Touma.
Absent: Council Members Robert Anderson, Glenn Choolokian

Also Present: Corporation Counsel Craig H. Johnson and Deputy Corporation Counsel Thomas O'Donnell.

RESOLUTION: RELATIVE TO CALLING FOR A PUBLIC HEARING TO AMEND THE CITY CHARTER RELATIVE TO AMENDING ARTICLE VIII ENTITLED "TAXATION AND ASSESSMENT", 2014-30
BY: ALL COUNCIL MEMBERS

Agenda Item #1

RESOLVED, that Local Law No. ____ for the year 2014 be introduced, and that a public hearing be held on such Local Law on the 2nd day of May, 2014 at 4:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending Article VIII entitled "Taxation and Assessment" by adding a new Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'"

Yeas	3
Grandinetti, Touma, Chairman Walker	
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 3:03 PM.

Carol A. Antonucci
City Clerk

2014 INDEX
CITY COUNCIL MINUTES
NIAGARA FALLS, NEW YORK

"D"

"E"

The first session of the April 14, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Choolokian moved to approve the Minutes from the City Council Meeting of March 31, 2014.

Yeas	5
Nays	0
	APPROVED

John Percy, President and CEO of the Niagara Tourism and Convention Corporation, spoke on the new Visitors Guide and redesigned website the organization had. He noted that hotel occupancy/bed tax revenues were up 70% since 2003. Chairman Walker asked Mr. Percy if he had met with the Tourism Advisory Board, and Mr. Percy responded that a meeting was scheduled for April 21.

City Controller Maria Brown spoke on Refunding and Refinancing of City Bonds (Agenda Item #24). She noted that this will provide a significant savings to the City, and that this is a good time to refinance.

Council Member Touma asked Mayor Paul Dyster about the use of the Sal Maglie Stadium and a contract for a baseball team there, and the Mayor responded that an RFP was being prepared, and he would have a report at the next Council Meeting.

Council Member Touma said that he had observed City workers doing street repairs, and they had done a good job.

Council Member Touma asked if there was a written program for spending of Casino dollars, and asked for a continuous update. Mrs. Brown suggested that the Council Members review items presented for funding with Casino dollars before they are placed on the Agenda, and Chairman Walker added that this was a good idea.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #11, relative to an agreement with the NYS DOT for the Rail Station and Intermodal Transportation Center, to change the source of State funds.

Council Member Touma moved to amend the communication.

Yeas	5
Nays	0
	AMENDMENT APPROVED

Chairman Walker questioned Agenda Item #12, relative to a contract amendment for the construction phase services for the Rail Station and Intermodal Transportation Center. He noted that the amount for changed legal fees is not specified. Susan Sherwood of Wendel-Duchscherer responded that this was not an additional amount, but the amount was already covered in the scope of work.

Chairman Walker asked Mrs. Brown if an audit of the NFTA Trolley Service had been done. She responded that she was only authorized to audit the hotels, and not the NFTA. Mayor Dyster said that he has numbers regarding the ridership that he will provide to the Council. Council Member Touma added that he had met with Mr. Frank Strangio about the season numbers, and Mr. Percy added that the numbers were also good during November and December.

This Session ended at 5:37 PM.

Chairman Walker reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Walker asked Code Enforcement Director, Dennis Virtuoso, to speak on neighborhood concerns regarding Niagara Gospel Rescue Mission.

Mr. Virtuoso said that the Mission work and feeding people can continue but overnight stays are not permitted in a Residential area. The Mission has the option to go to the Board of Appeals for a variance to allow transient use.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Items #20, #22
Frank Strangio	Agenda Item #17
Paul Gromosiak	All groups that deal with the history of the City need to communicate with each other & speak with one voice; suggested using RENU group from NU to do this
Ron Anderluh	Commended DPW for doing an excellent job; Dedicate 2 Police Officers to patrol City Parks & deal with issues with older kids in Parks
Shaun Smith	Exec. Director of Niagara Gospel Rescue Mission- said residents in the area didn't express their concerns to him; residence is a zero tolerance "Dry" Mission
Dan Crineri	Niagara Gospel Rescue Mission is saving lives
John Ritter	Niagara Gospel Rescue Mission is doing good work
Jennifer Cooper	Volunteers at Niagara Gospel Rescue Mission-Facility is needed
David Curtin	President of Board of Directors of Niagara Gospel Rescue Mission-wants to do even more in the Community
Josh Highway	Closing Niagara Gospel Rescue Mission is a mistake
Alicia Estell	Niagara St. playground issues
Tracy Greene	North/Lockport St. Park needs repairs; cleanup area around the Train Track; minority hiring for new Train Station building
Claire Curtis	Niagara Gospel Rescue Mission next door neighbor-very comfortable with them as neighbors
John Signorelli	Commended to helping Niagara Gospel Rescue Mission
Diane Tattersall	City Parks are improving but need cameras there
Joanne Gallareto	Thanked Chairman Walker for bringing the Council out into the Community; concerns about waterless Water Meters

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF MARCH 2014
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF MARCH 2014
Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PUBLIC WORKS, CORPORATION YARD EQUIPMENT STORAGE FACILITY, PLUMBING CONTRACTOR, CO #1, ACKERMAN PLUMBING INC.

Agenda Item #3

A contract for the above referenced project was awarded to Ackerman Plumbing Inc. on September 4, 2012 in the amount of $101,997.00.

During the course of the project, changes were required to upgrade the alarm capabilities of the fire protection system in order to ensure compliance with current fire codes. The total cost of this additional work is $3,095.85. This change order will bring the total revised contract sum to $105,092.85.

Funding is available in code H1119.2011.1119.0449.599.

Will the council vote to approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: PUBLIC WORKS, CORPORATION YARD STORAGE EQUIPMENT FACILITY, ELECTRICAL CONTRACTOR, CO #1, CIR ELECTRICAL CONSTRUCTION CO.

Agenda Item #4

A contract for the above referenced project was awarded to CIR Electrical Construction Co., Inc. on September 4, 2012 in the amount of $58,200.00.

During the course of the project, changes were added to extend the new electrical service underground, as well as to provide power upgrades for the fire protection system. The total cost of this additional work is $9,249.21. This change order will bring the total revised contract sum to $67,449.21.

Funding is available in code H1119.2011.1119.0449.599.

Will the council vote to approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

POLICE DEPT: NFPD, CAPITAL PURCHASES, FUNDING

Agenda Item #5

The Superintendent of Police is requesting that the sum of $88,950.00 be made available to the department to purchase items to benefit Administration/Community Relations/Special Events and Internal Affairs. Attached (on file in the City Clerk's Office) hereto is an itemized list of the items the Superintendent wishes to purchase. These items were included in the approved 2014 Police Capital budget. Funding is available from casino revenues.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

NIAGARA MILITARY AFFAIRS COUNCIL: FUNDING

Agenda Item #6

The NIMAC has been involved in various activities that it deems necessary in order to help secure the future of the Niagara Falls Air Reserve Station, Niagara County's largest employer. Attached On file in the City Clerk's Office) hereto is a copy of a letter from John A. Cooper Sr., Chairman of NIMAC and Merrell A. Lane, Vice Chairman of NIMAC addressing concerns about future attempts to close this Air Base.

In the past, the City has made casino revenues available to NIMAC in order to help support NIMAC's efforts. NIMAC is requesting the City to contribute the sum of $40,000.00 to retain this important asset and the 3,000 plus jobs it represents in Niagara. Funding is available from casino revenues.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for NIMAC?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: COURT HOUSE, CLEANING/MINOR REPAIR SERVICES, STATE REIMBURSEMENT

Agenda Item #7

Pursuant to New York State Law, the Unified Court System reimburses the City for cleaning its facilities located in the new Municipal Complex as well as performing minor repair services. This has been done pursuant to contract since the Municipal Complex opened. The agreement is now expiring and the new agreement will cover the period of State fiscal year 2013 – 2014 through State fiscal year 2017 – 2018, beginning April 1, 2013 and terminating on March 31, 2018. This agreement calls for New York State to reimburse the City for costs incurred by the City on a quarterly basis. These amounts fluctuate from quarter to quarter depending on time spent and are estimated to be approximately $82,366.75 per quarter and $329,467.00 annually. The State is current in its payments.

Will the Council so approve and authorize the Mayor to enter into an agreement satisfactory to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

POLICE DEPT: NFPD, SERVICE WEAPONS REPLACEMENT

Agenda Item #8

The Police Superintendent advises that Smith & Wesson ("SW") has offered to upgrade NFPD's 165 service revolvers for no cost. In order to avail itself of this opportunity, the NFPD will be required to turn over to SW the NFPD's existing 165 service revolvers. This is contingent upon the existing service revolvers tendered to SW to number 165 units and to be in good working condition. In the event that all 165 service revolvers are not turned in, or in the event that an existing service revolver is determined not to be in good working order, a charge of $410.00 per service revolver will be imposed together with a $16.50 charge for any missing magazines. Attached (on file in the City Clerk's Office) is a quote from SW in this regard.

Will the Council so approve and authorize the Mayor to execute any documents which may be necessary to complete this transaction?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

Council Member Touma commended the Police Superintendent for his work on this item.

CONTRACT: NTCC, PARKING SPACES

Agenda Item #9

The NTCC is requesting that the City allow the NTCC the use of 25 unrestricted parking spaces/permits in the City-owned parking lot located at the corner of 1st Street and Rainbow Boulevard. The NTCC is proposing to pay the City the sum of $40 per month per space/permit which equals the sum of $1,000 a month. This is the current market rate.

It is proposed that this agreement be for a twelve (12) month period of time, with the ability of either party to terminate the same on thirty days prior written notice. The NTCC is also requesting that persons attending meetings at the NTCC offices be permitted to park in one of their 25 spaces/permits should the capacity for such parking exist at that time.

Will the Council so approve and authorize the Mayor to execute an agreement in form and substance satisfactory to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

IN REM: RECONVEYANCE OF TITLE, FORMER OWNERS

Agenda Item #10

The City is in the process of acquiring title to a number of parcels through the 2010 In Rem Tax Foreclosure. These properties will be auctioned on June 10, 2014. Frequently, the former owners attempt to redeem their property by paying all outstanding or delinquent City, School and County taxes with penalties and interest prior to the auction. Although this is not a legal right, this has been allowed by the City Council in the past to avoid unnecessary hardship. Accordingly, we are recommending that this Council authorize the reconveyance of title to those former owners who pay all outstanding In Rem fees, auctioneer redemption fee, City, School and County taxes with penalties and interest, and any applicable recording fees on or before the close of business on June 6, 2014.

Will the Council so approve and authorize the execution and delivery of deeds by the Mayor to any property owners who tender payment as set forth?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DOT, TRAIN STATION, MATCHING FUNDS

Agenda Item #11

Attached (on file in the City Clerk's Office) hereto is a copy of the above referenced Grant Agreement which will provide an additional $1,400,000 to the City of Niagara Falls as matching State funds for the Niagara Falls International Rail Station and Intermodal Transportation Center project.

Will the Council so approve and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Counsel?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas *4*

Anderson, Grandinetti, Touma, Chairman Walker

Nays *1*

Choolokian

APPROVED

Amendment & attachment on file in the City Clerk's Office

Amendment changes source of State funds.

Council Member Grandinetti said she supports the Project & construction needs to move forward.

Council Member Touma commended the Administration for working with the state on this & said it is a job well done.

CONTRACT: TRAIN STATION, AMENDMENT #4, WENDEL DUCHSCHERER, ARCHITECTS & ENGINEERS

Agenda Item #12

A contract for consultant services for the above referenced project was awarded to Wendel-Duchscherer, Architects and Engineers, Inc. (WD), 140 John James Audubon Pkwy, Suite 201, Buffalo, NY 14228 by City Council on July 25, 2005 and dated January 3, 2006, which was subsequently extended in February 2010 to include right-of-way services, final design, and other services associated with the above project, in November 2012 to cover "pre-obligation" requirements of the Federal Railroad Administration for additional "pre-construction" activities, and again in January 2014 to cover additional services arising from the necessity to value engineer (VE) a reduction in scope and to revise the contract documents in preparation of re-bidding the project.

NF Intermodal Transportation Center Project (PIN 5756.28) costs are eligible for partial reimbursement under New York State Dept. of Transportation (NYS-DOT) Supplemental Agreement No. 2 (Comptroller's Contract No. D017307, NYS-DOT Supplemental Agreement #1 (Controller's Contract No. DH34504), and the Federal Railroad Administration Transportation Investment Generating Economic Recovery (TIGER II) Grant Agreement. The City's local-share funding is available in the Casino Revenue Fund for transfer to Capital Projects Fund H0402. A more detailed explanation of scope of services in this phase are contained the letter and services summary, from Wendel, dated April 7, 2014 and is attached (on file in the City Clerk's Office) hereto. The total for this phase scope of work is $3,080,000.00.

Will the Council vote to so approve and authorize the Mayor to execute a contract extension in a form acceptable to the Corporation Council?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 4

Anderson, Grandinetti, Touma, Chairman Walker

Nays 1

Choolokian

APPROVED

Council Member Choolokian said spending should be focused on the infrastructure.

Chairman Walker said investment in the City is needed.

CONTRACT: TRAIN STATION, SCRUFARI CONSTRUCTION COMPANY INC.

Agenda Item #13

Attached (on file in the City Clerk's Office) is a recommendation to award the general construction contract for the NF-International Railway Station & Intermodal Transportation Center Project (PIN 5756.28).

The City held a public bid according to all the requirements of its State and Federal funding partners and is in receipt of a qualified low-bid from Scrufari Construction Company Inc. After appropriate due diligence in review of the contractor's proposal, it is the recommendation of the consulting Project Engineer award the contract as stipulated below.

The Administration concurs with this recommendation, and in accordance with the Project's budget and the contract documents, recommends the City Council award the General Construction contract to Scrufari Construction, Inc. in the amount of the Base Bid ($23,720,000.00) less Deduct Alternates #6, #13, and #2 for a total contract value of $22,691,000.00.

Also, on condition that the Contractor accept the unit prices set forth in the bid proposal and further agree to comply with the preconstruction requirements of the contract.

NF Intermodal Transportation Center Project (PIN 5756.28) construction costs are eligible for partial reimbursement under New York State Dept. of Transportation (NYS-DOT) Supplemental Agreement No. 2 (Comptroller's Contract No. D017307, NYS-DOT Supplemental Agreement #1 (Controller's Contract No. DH34504), and the Federal Railroad Administration Transportation Investment Generating Economic Recovery (TIGER II) Grant Agreement. The City's local-share funding is available in the Casino Revenue Fund for transfer to Capital Projects Fund H0402.

Will the Council vote to so approve and authorize the Mayor to allow the Contractor to execute construction contracts in a form acceptable to the Corporation Council?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

Council Member Choolokian said that he is glad that a Niagara Falls company won the bid.

Council Member Touma said a sound transportation system is needed in the City.

CONTRACT: TRACT I/TRACT II, REMEDIATION/DEVELOPMENT DATES EXTENSION, BRIGHTFIELDS CORP.

Agenda Item #14

In 2012, the City transferred Tract I and Tract II, consisting of 23± acres, to Brightfields Corporations. DEC-approved remediation of the sites has progressed. The transfer agreement called for completion of the work and a final engineering report to be submitted by October 31, 2013. In September of 2013, the City Council extended the date for completion of the remediation work to March 17, 2014. The extension was requested to accommodate additional work which became necessary.

An additional extension has been requested to complete the additional work on the site. Since the work is progressing under DEC monitoring, the extension should be granted. The extended date is for completion of the remediation is on or before November 1, 2014. If DEC approves a different date, the City will adopt the DEC approved date without further Council action.

Within 18 months of completion of remediation, Brightfields will construct playground improvements costing a minimum of $250,000.00 on five acres of the Tract II property. That land will be conveyed back to the City to become a City Park. This park will replace the Center Court playground which became part of the HOPE VI housing development. Within 24 months of completion of the remediation, Brightfields will complete on Tract I or Tract II at least one aspect of the proposed development at a cost, exclusive of remediation, of at least $1.5 Million.

Will the Council vote to approve the extended dates as set forth herein, with a remediation completion date of no later than November 1, 2014, which will also extend the park completion date to no later than May 1, 2016 and development completion date to no later than November 1, 2016, and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: SIGNAGE IN GRIFFON & LASALLE WATERFRONT PARKS, WENDEL

Agenda Item #15

Attached (on file in the City Clerk's Office) is a proposal from Wendel to develop initial signage and wayfinding design standards and documentation for the Park System of the City, as well as, to provide detailed design drawings for an initial signage procurement at Griffon and LaSalle Waterfront Parks and two interpretative signs (one at each park).

Funding is available in the Casino Revenue Fund for transfer to account code No. H0622.2006.0622.0451.000 [Parks Improvement]. The cost of the work is $7,320.00. (Note: does not include fabrication at this time.)

Will the Council so approve and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Counsel?

Council Member Choolokian moved to Table the communication

Yeas	5
Nays	0
	TABLED

CONTRACT: FIRE HOUSE, 3721 HIGHLAND AVE., RENOVATION

Agenda Item #16

The City of Niagara Falls, with assistance from a 2013 Western New York Regional Economic Development Council Grant, is renovating the now vacant, city-owned fire house at 3721 Highland Avenue. The end user of the renovated space will be The Isaiah 61 Project, returning the property to the tax roll. The facility will be the organization's trades training facility and re-use store for salvaged building materials.

The Isaiah 61 Project Trades Training Program began in 2012, in partnership with the Niagara Falls Community Development Department and The John R. Oishei Foundation. Since its inception, 50 people have graduated from the program and approximately 75 percent have found local job placement. There is a pressing need for more job training and placement in the City of Niagara Falls. As stated in the recently completed *Strengthening WNY's Safety Net: A Presentation of findings for the City of Niagara Falls*, slightly fewer than 20,000 jobs exist within Niagara Falls. Access to certified O/N BOCES trades training and the OSHA-10 course is an effective and cost efficient way to connect the under-employed with actual job opportunities.

The purpose of this project, and the city's joint venture with the Isaiah 61 Project, is to prepare unemployed residents for trades employment in strong partnership with the Niagara County Building and Construction Trades Council. Entering into a Project Labor Agreement, as with other recent city sponsored developments, will determine the terms and conditions of employment for the 3721 Highland Avenue Fire House Project, as the Niagara Falls Community Development Department prepares to bid contracted work in the next month.

Will the Council vote to allow the Mayor to negotiate and execute a Project Labor Agreement for the 3721 Highland Avenue Fire House Project.

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Grandinetti thanked Wendel for their no charge services to the City on this Project & also commended the Isaiah 61 Project.

CONTRACT: TROLLEY SERVICE, NFTA

Agenda Item #17

It is desirable to reinstitute again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. It is recommended that Trolley Service commence on May 16, 2014 and conclude October 31, 2014. During the month of May, 2014 the Trolley Service will operate on weekends only (Friday, Saturday and Sunday). Trolley service from June 1, 2014 through October 31, 2014 will be on a daily basis. The cost to the City for this service will be $530,000. This will be subject to the terms and conditions contained in an agreement subject to approval by the Corporation Counsel which will also contain a route for service. Funding is available from the Tourism Fund.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma thanked Frank Strangio and suggested that NFTA expand the Trolley Service throughout the County.

CONTRACT: LANDSCAPING/MAINTENANCE, MEDIANS/TRAFFIC CIRCLE, GARDENVILLE LANDSCAPING & NURSERY, LLC

Agenda Item #18

We respectfully request you award the above referenced bid as follows:

TO: Gardenville Landscaping & Nursery, LLC
3069 Clinton Street
West Seneca, NY 14224

FOR: Landscaping and maintenance of the medians along:
$57,397.00
Niagara Street, John B. Daly Boulevard, Rainbow Boulevard and the Traffic Circle:

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Thirteen (13) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Beau Enterprises, Inc. ($68,560.00), Wayside Nursery, Inc. ($119,850.00) and Villani's Landscaping ($187,090.00).

Funding was approved in the 2014 budget under the Infrastructure 5-year "Financial" Capital Plan.

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: MEALS FOR PRISONERS, FRANKIES DONUTS, INC.

Agenda Item #19

We respectfully request you award the above referenced bid as follows:

TO: Frankies Donuts, Inc.
717 Portage Road
Niagara Falls, NY 14301

FOR: Meals for prisoners at the Municipal Svcs. Building:

Breakfast (est. 3,000)	$ 1.00
Lunch (est. 6,700)	1.75
Supper (est. 2,200):	1.75

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Four (4) vendors. One other bid was received from CRR Holding, Inc., DBA Tim Hortons (Breakfast $2.30 ea., Lunch $6.97 ea. and Supper $6.97 ea.). The above referenced company submitted the lowest bid.

Funds for this expenditure are available in A3120.0001.0449.010.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

HOMESTEAD & NON-HOMESTEAD ASSESSMENT ROLL, CERTIFICATION OF BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS

Agenda Item #20

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached (on file in the City Clerk's Office) referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached percentages and proportions?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CITY PROPERTY: 18TH STREET, 1406, SALE

Agenda Item #21

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $200.00. This property was approved for sale by the Planning Board. Attached (on file in the City Clerk's Office) hereto is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BUFFALO AVENUE INDUSTRIAL CORRIDOR PROJECT, REVITALIZATION PLAN

Agenda Item #22

In 2009 the City applied for the above referenced grant, which was recently awarded in the amount of $403,632. This requires a local share of $44,848, which the City expects to fund with mostly in kind services provided by City personnel.

This funding will be used for consultants to complete a Step 2 Revitalization Plan for the Buffalo Avenue Industrial Corridor Project.

Will the Council so approve and authorize the Mayor to execute an agreement and other documentation in a form acceptable to Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

BUFFALO NIAGARA ENTERPRISE: MEMBERSHIP, FUNDING

Agenda Item #23

The City has an opportunity to become a member of the BNE which is a non-profit regional research, marketing and business development organization committed to bringing jobs and investment to the eight (8) counties of Western New York. The BNE has helped 272 companies to invest over 2.9 billion dollars in our region and retain more than 36,000 jobs since 1999. Attached (on file in the City Clerk's Office) hereto is a description of BNE activities together with a description of the various investor levels and the benefits from each respective level. It is recommended that the City participate in the $50,000 per year level.

Funding is available from casino revenues.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 3
Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian
Abstain 1
Anderson

APPROVED

RESOLUTION: SERIAL BONDS, PAYMENT/REFUNDING, 2014-29
BY: ALL COUNCIL MEMBERS

Agenda Item #24

WHEREAS, the City of Niagara Falls, Niagara County, New York (hereinafter, the "City") heretofore issued $9,540,000 Public Improvement Refunding (Serial) Bonds, 2003, pursuant to a refunding bond resolution as further described in the bond determinations certificate of the City Controller dated February 25, 2003 (hereinafter referred to as the "2003 Refunded Bond Determinations Certificate"), such Public Improvement Refunding (Serial) Bonds, 2003, being dated February 25, 2003 with remaining maturities on March 1 in the years 2015 through 2024, both inclusive, as more fully described in the 2003 Refunded Bond Determinations Certificate (the "2003 Refunded Bonds"); and

WHEREAS, the City also heretofore issued $13,160,000 General Obligation Serial Bonds - 2004 Series A pursuant to various bond resolutions to pay the cost of various City purposes as further described in the bond determinations certificate of the City Controller dated November 1, 2004 (hereinafter referred to as the "2004 Refunded Bond Determinations Certificate"), such General Obligation Serial Bonds - 2004 Series A, being dated November 1, 2004 with remaining maturities on November 1 in the years 2014 through 2018, both inclusive, as more fully described in the 2004 Refunded Bond Determinations Certificate (the "2004 Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the 2003 Refunded Bonds and the 2004 Refunded Bonds (collectively, the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Niagara Falls, Niagara County, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds maturing in 2015 and thereafter as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, as well as any prepayment premium, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding $8,200,000 refunding serial bonds of the City pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately $8,015,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of $5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-14 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the City Controller pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the City Controller shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Controller. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of $5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the City Controller as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the City maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the City Controller providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the City Controller as fiscal agent of the City for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The City Controller, as chief fiscal officer of the City, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said City, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the City, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the City Controller is also hereby authorized to name the City Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The City Controller is hereby further delegated all powers of this Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Controller, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Controller shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each object or purpose for which such Refunded Bonds were issued is as specified in the 2003 and 2004 Refunded Bond Determinations Certificates which are incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the respective period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Council recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The City Controller is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the City Controller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The City Controller shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The City Controller is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said City Controller shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the City hereby elects to call in and redeem each Refunded Bond which the City Controller shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public or private sale to such underwriter as may be selected by the City Controller (the "Underwriter") for purchase prices to be determined by the City Controller, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds, subject to approval by the State Comptroller as required by Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the City Controller to the Underwriter in accordance with said purchase contract upon the receipt by the City of said purchase price, including accrued interest.

Section 11. The City Controller and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the City Controller and all powers in connection thereof are hereby delegated to the City Controller.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Yeas 5
Nays 0

ADOPTED

Council Member Choolokian thanked the Controller for saving the City money.

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:30 P.M.

Carol A. Antonucci
City Clerk

April 22, 2014

Members of the City Council
And
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9b of the City Charter to be held on Friday, April 25, 2014 at 3:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Call for a Public Hearing to amend the City Charter relative to amending Article VIII entitled "Taxation and Assessment" by adding a new Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather Pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'"

Respectfully submitted
Charles Walker
Council Chairman

The April 25, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 3:02 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti,, Andrew Touma.

Absent: Council Members Robert Anderson, Glenn Choolokian

Also Present: Corporation Counsel Craig H. Johnson and Deputy Corporation Counsel Thomas O'Donnell.

RESOLUTION: RELATIVE TO CALLING FOR A PUBLIC HEARING TO AMEND THE CITY CHARTER RELATIVE TO AMENDING ARTICLE VIII ENTITLED "TAXATION AND ASSESSMENT", 2014-30
BY: ALL COUNCIL MEMBERS

Agenda Item #1

RESOLVED, that Local Law No. ____ for the year 2014 be introduced, and that a public hearing be held on such Local Law on the 2nd day of May, 2014 at 4:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending Article VIII entitled "Taxation and Assessment" by adding a new Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'"

Yeas 3
Grandinetti, Touma, Chairman Walker
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 3:03 PM.

Carol A. Antonucci
City Clerk

The first session of the April 28, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meeting of April 14, 2014.

Yeas	5
Nays	0
	APPROVED

City Administrator Donna Owens spoke on the contract with Modern for refuse pickup/recycling. She reported that: totes will be provided for residents for garbage, which will be picked up weekly, and recycling, which will be picked up every other week; Modern will be part of an aggressive education program, working with the schools, block clubs, etc. for the public on the advantages to recycling, both for the City and the residents; and added that the City Ordinances that pertain to garbage and recycling are being worked on to cover enforcement and other aspects of the program. Council Member Anderson said that the totes are a good idea. Council Member Touma asked about enforcement, and Ms. Owens responded that would be covered under the Ordinance by the Public Works Department; Council Member Anderson expressed his concern that the Public Works Department already has its hands full. Council Member Choolokian suggested making the larger size totes for garbage and the smaller size totes for recycling to which the City Administrator responded that, once the program is operational and residents are recycling all that they should, residents may have more recycling than garbage. Chairman Walker said he would rather have the program rolled out the right way from the beginning, rather than tweaking the program as it develops. The City Administrator responded that the current contract with Modern expires on May 1, and the delivery of the totes is not expected until August 1, so that gives three months to education citizens on the program as it develops. The City Administrator thanked those City staff who contributed to developing the program, and also Niagara County Environmental Coordinator Dawn Timm, who also spoke at the Meeting.

Council Member Choolokian asked about the trees that were being taken down on Griffon Avenue rather than Jayne Park. The Mayor responded that Jayne Park would have to wait due to the weather conditions, and Council Member Touma informed him that he had learned that the trees that were being taken down on Griffon Avenue were part of the sidewalk replacement program, and the trees would be re-planted once the sidewalks were done.

Council Member Choolokian said that citizens had contacted him about creating one or more dog parks in the City, and the Mayor said that he is working on it.

Corporation Counsel Craig Johnson distributed copies of an Item to be amended and three Items to be added to the Agenda:

1. Agenda Item #21, relative to the reconstruction of Buffalo Avenue. Mr. Johnson said that the first paragraph of the communication should be amended to properly show the name of the contractor and the amount.

Council Member Touma moved to amend the communication.

Yeas	5
Nays	0

MOTION TO AMEND COMMUNICATION APPROVED

2. A Resolution relative to recognizing True Deliverance Temple 40th Church Anniversary.

Council Member Touma moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #31.

3. A Resolution relative to honoring the 2014 Winners of the Niagara Falls Education Foundation Awards.

Council Member Touma moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #32.

4. A Resolution relative to declaring May 10, 2014, “Friendship Day” in the City of Niagara Falls.

Council Member Choolokian moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #33.

Chairman Walker asked if there was a time line for the transfer of the former Fire Hall at 3721 Highland Avenue to the Isaiah 61 Project. Director of Community Development Seth Piccirillo responded that the time line was five years.

Council Member Choolokian inquired about the status of the ice surface at the Ice Pavilion. The Mayor informed him that the locker room overhaul was being done first, and the rink would be done next April. In response to Council Member Touma’s question about responsibility for routine maintenance at the facility, the Mayor said that responsibility would belong to the operator of the facility. City Controller Maria Brown added that the City would have to go to the Bond Market to finance the Project.

Council Member Touma questioned the expense involved for repairs to the door at the LaSalle Library, and suggested exploring other options to get the work done at a less costly amount, possibly by a local craftsman or the Isaiah 61 Project. Library Director Michelle Petrazzoulo said that part of the money was from a State Construction Grant, and the rest was a match from the City. Council Member Choolokian requested that future Agenda Items provide information on the amount of City funds needed for that Item.

This Session ended at 5:55 PM

Chairman Walker reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Touma and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Paul Gromosiak	Agenda Item #10
Ron Anderluh	Agenda Item #10
Ronda Grose	Agenda items #12, #17
Diane Tattersall	Agenda Items #12, #17
Joanne Gialloretto	Agenda Items #12, #17
Nicole Holland	Agenda Items #12, #17
Ken Hamilton	Agenda Items #12, #17
Dan Davis	Cleanup of Pond that goes to Gill Creek & Hyde Park Lake
Michael Heylek	Dog Parks in City
Diane Tattersall	Security in Parks
Ron Anderluh	Security in Parks
Gerald Skrlin	Conditions of properties on Buffalo Ave.
Ken Hamilton	Thanks for Legends Park; need Basketball Courts at Hyde Park; rename part of 9th St. after Bloneva Bond; electronic/pickup droppff

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

POLICE DEPARTMENT: OVERTIME AND RELATED EXPENSES, FUNDING

Agenda Item #1

The Superintendent of Police is requesting that the sum of $200,000 be made available to the NFPD to cover unexpected and unbudgeted overtime and related expenses that he is anticipating will occur. Attached (on file in the City Clerk's Office) hereto is a letter of transmittal from the Police Superintendent identifying his needs and the amounts necessary and funding sources for each respective item.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ASSISTANCE SERVICES, NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #2

It is recommended that the City enter into an agreement for calendar year 2014 with the Niagara County Office for the Aging. As per the agreement, the City provides information and assistance services to persons sixty years old or older who meet eligibility requirements. In exchange, the City is compensated in the amount of $9,025.

Will the Council so approve and authorize the Mayor to execute an agreement acceptable to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CODE ENFORCEMENT DEPARTMENT: REPAIR, DEMOLITION OR BOARD OF STRUCTURES, EXPENSES

Agenda Item #3

In accordance with Chapter 1133, Section 1133.08 of the City of Niagara Falls Codified Ordinances, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall "order an assessment against said premises for several sums herein reported".

We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the City of Niagara Falls Codified Ordinances.

A list of all chargeable costs incurred is attached (on file in the City Clerk's Office). A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Code Enforcement.

Will the Council so order?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: EMPLOYEE ASSISTANCE PROGRAM, FIRE DEPARTMENT, PALLADIAN HEALTH

Agenda Item #4

Attached (on file in the City Clerk's Office) please find the proposed agreement between the City and Palladian Health, LLC, whereby Palladian will provide Employee Assistance Program services for the members of the Niagara Falls Fire Department. This proposed two year agreement is necessitated by the expiration of the current EAP services contract for the Niagara Falls Fire Department on April 30, 2014. Funds for this expenditure are available in A3410.3010.0449.599.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: NIAGARA INTERNATIONAL TRANSPORTATION TECHNOLOGY COALITION: MEMORANDUM OF UNDERSTANDING, MEMBERSHIP

Agenda Item #5

It is requested that the City Council authorize the Mayor to enter into a Memorandum of Understanding for the City's continued general membership in NITTEC. The mission of NITTEC is to maintain a regional, cooperative approach to transportation management and thereby improve regional and international transportation mobility, promote economic competitiveness, and minimize adverse environmental effects related to the regional transportation system. General membership in NITTEC is at no cost to the City.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CULINARY INSTITUTE: CAPITAL PROJECT, CLOSEOUT, FUNDING

Agenda Item #6

The City Controller advises that she and representatives from USA Niagara Development Corp. have made the final reconciliations to the above project. The amount required to conclude this matter inclusive of the City's portion of utilities, security and the beginning design phase of the project is $278,290. Funding is available from Casino revenues and is to be transferred to this Capital project budget line. The City Controller previously earmarked Casino revenues for this purpose.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

PUBLIC WORKS DEPARTMENT: MEO-2'S, FUNDING

Agenda Item #7

The Director of DPW is requesting that funding be allocated for the hiring of four (4) temporary MEO-2's for the month of December, 2014. The hiring of these drivers will assist DPW with the 24/7 winter shift schedule that begins on December 1, 2014. The amount requested is $12,402.00, inclusive of FICA and is available from Fund Balance. These dollars will be transferred into DPW's Streets Division/Snow Removal account no. A.5142.0000.0130.000.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

Council Member Touma said he had spoken to John Caso who told him these positions are needed to reduce overtime and supplement the 3 shifts.

ISAIAH 61 PROJECT, INC.: 3721 HIGHLAND AVE, RENOVATIONS GRANT

Agenda Item #8

The former fire station at 3721 Highland Avenue is located on a 40 x 101.71 foot lot. The 4,240 square foot building was built in 1917. It is currently assessed at $6,000.00. The building is in dilapidated condition. The City obtained an Empire State Development Western New York Regional Council Grant to rehabilitate the project into a Trade Job Training Facility to be operated by the Isaiah 61 Project. It is proposed that the City sell the property to Isaiah 61 for the assessed value of $6,000.00. The transfer will take place after the renovation, as the City is the grantee of the state grant.

The transfer was presented to the Planning Board at its April 23, 2014 meeting. The Planning Board recommendation will be available at the April 28, 2014 City Council meeting.

The grant is for up to $132,000.00, to cover a portion of the renovation costs. The contract or contracts for the renovation will require City Council approval. The grant requires a City match of at least 10% of the project costs, which can be paid from Casino revenues. It is anticipated that the City contribution will exceed the required match. The City is currently providing administrative support for Isaiah 61 from CDBG funds, and the 2014 CDBG budget provides program funding for Isaiah 61. No CDBG funds are budgeted for the renovation.

City Charter §59 requires that real property be sold at public auction to the highest bidder. Approval of a negotiated sale requires that Council determine that the best interest of the city shall be subserved by dispensing with a sale at public auction.

Will the Council vote:

(a) to accept the grant;
(b) to determine that the best interest of the city shall be subserved by dispensing with a sale at public auction;
(c) to approve the transfer of 3721 Highland Avenue as set forth herein; and
(d) to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: DEMOLITION, 2928 HIGHLAND AVE., CHANGE ORDER

Agenda Item #9

On February 18, the City awarded demolition contract CD2014-1 in the amount of $456,822.00. Unforeseen circumstances arose in the course of demolition of 2928 Highland Avenue.

It became necessary to remove an additional 3,600 cubic feet of piles of friable debris from the site. Newly dumped friable debris contaminated existing debris on the site, rendering all the debris friable. The cost of removal and disposal of the friable debris is $2,085.46.

An additional 350 square feet of asbestos plaster or drywall was revealed when a stair hatch to the cellar was exposed. The cost of removal and disposal is $2,371.72.

Finally, an additional 200 square feet of asbestos plaster wall was discovered in the attic after the job was started. The cost of removal and disposal is $1,175.64.

These are fair prices for removal of this asbestos containing material from these locations.

Funding is available in the Community Development budget code CD1.8666.0000.0450.500 (CDR599).

Will the Council approve change order 1 to CD2014-1 in the amount of $5,632.82 and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

POLICE DEPT.: RANGER PROGRAM, HIRING OF SUPERVISOR

Agenda Item #10

The 2014 Niagara Falls Ranger Program, a targeted police foot patrol operation that incorporates the hiring of part-time college students and local young people to act as city ambassadors, is a budgeted component of the 2014 United States Department of Housing and Urban Development Community Development Action Plan and the 2014 Casino Budget. The Niagara Falls Police Department is prepared to hire the program’s part-time program supervisor, in order for the initiative to be fully operational for the summer months. The budgeted HUD amount, $120,000, will be used to fund the actual ranger stipends. The supervisor’s salary is requested from the casino funded budget. Requested amount from that source: $8,500.

Does the Council approve this request?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: STREET MILLINGS, SALE, METRO CONTRACTING & ENVIRONMENTAL INC.

Agenda Item #11

We respectfully request you award the above referenced bid as follows:

TO: Metro Contracting and Environmental, Inc.
2939 Lockport Road
Niagara Falls, NY 14305

FOR: Sale of approximately 37,785 tons of street millings generated during the 2014 paving season: $ 2.04/ton

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (5) vendors. Six (6) bids were received. The above referenced company submitted the highest price for the millings. Five (5) other bids were received from: Modern Corporation, $ 1.55/ton; LaFarge North America, $ 1.34/ton; Villani's Lawn & Landscape, LLC, $1.00/ton; Armand Cerrone, $ .76/ton; and Yarussi Construction Inc., $ .10/ton.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: REFUSE COLLECTION/DISPOSAL/RECYCLABLE MATERIALS COLLECTION & PROCESSING, MODERN DISPOSAL SERVICES, INC.

Agenda Item #12

We respectfully request you approve the above mentioned Contract as follows:

TO: Modern Disposal Services, Inc.
4746 Model City Road
PO Box 209
Model City, NY 17107-0209

FOR: Five (5) year contract for refuse hauling from collection sites from wheeled carts within the City limits, refuse disposal of all waste collected, recycling hauling from collection sites within City limits, processing and sale of recyclables commencing May 1, 2014 and ending April 30, 2019. Refuse Collection will remain every week and recycling collection will be every-other week.

A copy of the bid received by Modern Disposal Services, Inc. is attached (on file in the City Clerk's Office) for your information. Also attached is a spreadsheet projecting anticipated results of this Contract.

The City Purchasing Division certifies that Proposals were solicited in accordance with New York State General Municipal Law 120w. The above referenced Company submitted the only Proposal. Waste Management and Allied Waste Service submitted letters of decline as their response.

This expenditure will be charged to budget code:
A8160.0000.0449.003

Will the Council so approve?
Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Choolokian said that the Council & the Mayor need to work together to work out the bugs on this Project.

CONTRACT: LASALLE LIBRARY, WOOD DOOR REPLACEMENT, SICOLI

Agenda Item #13
Three quotes were solicited from contractors. The following two were the result of bids received on April 22, 2014 for the above referenced project:

CONTRACTOR	BASEBID
Sicoli Construction Services, Inc. 4800 Hyde Park Blvd. Niagara Falls NY 14305	$18,750.00
Big L Windows & Doors	$20,750.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Sicoli Construction Services, Inc. at their total bid of $18,750.00. Funding is available in Code H0904.2004.0904.0449.599 and casino revenue.
Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Touma said he would like the Administration to seek ways to get things done by using other options that are less costly.

CONTRACT: PARKING RAMP II, FIRE PROTECTION SYSTEM IMPROVEMENTS, DAVIS-ULMER

Agenda Item #14
Upon completion of the both the County's Culinary Arts Facility and the City's concurrent parking ramp renovations, it was determined that for code compliance and public safety purposes, the fire protection systems of the former retail mall and parking ramp be separated, as well as improved so as to meet current building codes. To facilitate the process, the parking ramp's sprinkler system's subcontractor, Davis-Ulmer, was retained to perform the analysis of the existing system and to take any/all corrective measures necessary to achieve code compliance. The total cost for both analysis and the corrective actions is $25,500.00. Funding is available in code: C.R. 1720.2570.0449.599
Will the Council vote to so approve the measures taken, and reimbursement of costs incurred, to comply with current codes and ordinances?
Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, MECHANICAL CONTRACT, JOHN W. DANFORTH, CO.

Agenda Item #15

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID
John W. Danforth Co. 300 Colvin Woods Pkwy Tonawanda NY14150	$42,000.00
Parise Mechanical, Inc.	$44,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, John W. Danforth Co., at their Base Bid of $42,000.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.599 and casino revenue.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

PURCHASE: FIRE RESCUE TRUCK, EMPIRE EMERGENCY APPARATUS, INC.

Agenda Item #16

We respectfully request you award the above referenced bid as follows:

TO: Empire Emergency Apparatus, Inc.
3995 Lockport Road
Niagara Falls, NY 14305

FOR:	One (1) Rosenbauer EXT Heavy Rescue Apparatus Body:	$368,810.00
	One (1) Rosenbauer Commander Chassis	241,061.00
	Credit for payment of chassis at time of delivery:	(9,252.00)
	TOTAL:	$600,619.00

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (5) vendors. Two bids were received (on file in the City Clerk’s Office). The above referenced company submitted the lowest bid to meet the City’s specifications.

Funds for this expenditure were approved in the 2014 Budget-Capital Budget for Fire Department Vehicles & Equipment.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: REFUSE/RECYCLING CART PURCHASE & DELIVERY, CASCADE CART SOLUTIONS

Agenda Item #17

We respectfully request you approve the above mentioned Contract as follows:

TO: Cascade Cart Solutions
4950 37th Street
Grand Rapids, MI 49512

FOR: Purchase and delivery of wheeled 64 gallon refuse carts
(approximately 23,000 carts) $42.78 ea. $983,940.00 total
Purchase and delivery of wheeled 96 gallon recycling carts
(approximately 22,000 carts): $50.96 ea. $1,121,120.00 total
Purchase of Scanner & Software for inventory monitoring
(includes 10 year software licensing): $19,389.00
TOTAL: 2,124,449.00

The City Purchasing Division certifies that Bids (on file in the City Clerk's Office) were solicited in accordance with New York State General Municipal Law 103. The above referenced Company submitted the lowest Bid.

The City is eligible to submit a Grant for reimbursement of up to 50% of the cost of recycling carts.

We further request the Council authorize the use of Casino funds for this purchase.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Touma said he has done a cost comparison with other Contracts; this will improve the quality of life for residents

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, CONSULTANT SERVICES, DIDONATO ASSOCIATES, P.E.

Agenda Item #18

A contract for the above referenced project was awarded to DiDonato Associates, P.E. of Buffalo on February 19, 2014 for professional services and design related tasks in the amount of $94,500.00.

This new work involves full time Construction Inspection and any related testing, for Phase III of the project.

It is the recommendation of the undersigned that the City extend the existing professional service agreement with DiDonato Associates P.E. in the amount of $ 58,560.00 to provide continuing on-site inspection for a new total of $153,060.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

Will the Council vote to so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, PLUMBING CONTRACT, MOLLENBERG-BETZ, INC.

Agenda Item #19

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID	ALT.#1	ALT.#2
Mollenberg-Betz Inc. 300 Scott St. Buffalo NY 14204	$108,000.00	$15,100.00	$22,800.00
J.R.Swanson	$139,200.00	$20,600.00	$34,100.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Mollenberg Betz, Inc., at their Base Bid of $108,000.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT, VARIOUS LOCATIONS, YARUSSI CONSTRUCTION, INC.

Agenda Item #20

The following was the result of bids received on April 16, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Yarussi Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$ 341,412.00
Mark Cerrone, Inc.	$ 358,570.00
Socko Construction Co.	$ 361,670.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Yarussi Construction Inc. at their Base Bid of $341,412.00. Please note that this amount is funded by a combination of both CHIPS ($114,562.00) and Casino Revenue ($226,850.00) sources. Funding is available in codes H0314.2014.0314.0449.599 and H0621.2006.0621.0449.599 respectively.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: BUFFALO AVE. RECONSTRUCTION, CLOUGH HARBOUR, CHANGE ORDER

Agenda Item #21

A contract for the above referenced project was awarded to Clough, Harbour & Associates, LLP on April 10, 2006 in the amount of $2,500,000.00.

To accommodate the contractor's late season construction rush, our inspectors and their environmental sub consultants were required to keep pace with both on-site and laboratory testing to adequately deal with any possible handling and disposal issues encountered. The costs for both the field and laboratory processing of the numerous samples collected totals $180,520.00. Anticipating minimal additional monitoring and analysis as the contractor prepares to handle seasonally related plantings and temperature sensitive material installations, to complete this project, the undersigned request a "not to exceed" amount of $185,000.00 to be added to the consultant services agreement we have with Clough-Harbour Associates (CHA), bringing their final contract total to $5,053,900.00.

Please note that this amount is 95% reimbursable through current agreements between the City and New York State Department of Transportation.

Will the Council vote to approve and authorize the Mayor to execute a change order in a form acceptable to the Corporation Counsel?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

Amendment was to change the 1st sentence.

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, GENERAL CONTRACT, SICOLI CONSTRUCTION SERVICES, INC.

Agenda Item #22

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Sicoli Construction Services Inc. 4800 Hyde Park Blvd. Niagara Falls NY 14305	$408,600.00
Sicoli & Massaro, Inc.	$472,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Sicoli Construction Services, Inc., at their Base Bid of $408,600.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, ELECTRICAL CONTRACT, CIR ELECTRIC SONSTRUCTION CO.

Agenda Item #23

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID
CIR Electric Construction Co. 400 Ingham Ave. Buffalo NY 14218	$ 61,900.00
Industrial Power & Lighting Corp.	$ 84,700.00
M&M Electric Co. Inc.	$100,705.00
Electric Service & Systems, Inc.	$103,400.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, CIR Electric Construction Co., at their Base Bid of $61,900.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: KING, DEANNA C.

Agenda Item #24

Date Claim Filed:	March 18, 2014
Date Action Commenced:	N/A
Date of Occurrence:	February 20, 2014
Location:	1654 Niagara Avenue, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Kristina Ligammari
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$270.70
Make Check Payable to:	Deanna C. King
Conditions:	General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CLAIM: DAY, BRADLEY R.

Agenda Item #25

Date Claim Filed:	August 15, 2012
Date Action Commenced:	January 18, 2013
Date of Occurrence:	July 23, 2012
Location:	1785 New Road, Niagara Falls, NY
Nature of Claim:	Injuries sustained from falling object.
Status of Action:	Pre-trial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$20,000.00
Make Check Payable to:	Bradley R. Day and Cellino & Barnes, P.C.
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above action be paid under the terms set forth above. Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CITY PROPERTY: NINTH ST, 405, SALE

Agenda Item #26

The Council previously approved the sale of the adjoining lot at 407 Ninth Street to the Frank and Geraldine Fusarelli.

During the review of the request to purchase that lot the Department of Public Works suggested that the Fusarellis might be interested in the adjoining vacant City-owned lot at 405 Ninth Street as that would expand their parcel and would also remove the liability and maintenance responsibilities from the City.

This was communicated to the Fusarellis and they submitted a request to purchase the lot.

This was presented to the Planning Board for a recommendation to Council and the Planning Board voted to not recommend their request. A copy is attached hereto (on file in the City Clerk's Office).

Since the Council is not bound by the Planning Board recommendation, the Fusarellis asked that their request be submitted to the Council.

Will the Council approve the sale of this premises for the sum of $10.00 in an "as is" condition and with the requirement to combine the property with 407 and 409 Ninth Street, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Choolokian moved to Table the communication.

Yeas 5
Nays 0
TABLED

RESOLUTION: NIAGARA FALLS YOUTH BOARD, 2014-31
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #27

WHEREAS, the City Council established the Niagara Falls Youth Board in 1965; and

WHEREAS, there are currently fifteen members on the Youth Board; and

WHEREAS, the Youth Board has found that this number is not manageable for obtaining quorums for meetings and has requested that the number of members be reduced to nine.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the Niagara Falls Youth Board will consist of nine members to be appointed by the Council for three year terms, one of whom must be between the ages of sixteen and twenty-one years old.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: YOUTH BOARD, REAPPOINTMENTS, 2014-32
BY: COUNCIL CHAIRMAN CHARLES A. WALKER

Agenda Item #28

BE IT RESOLVED, that the following individuals are hereby re-appointed to the City of Niagara Falls Youth Bureau for the term expiring on the date which appears opposite their names:

RE-APPOINTMENTS	TERM EXPIRES:
Noreen Chatmon	12/31/2014
Michael Montanaro	12/31/2016
Rashad Travis	12/31/2016
Rick Williams	12/31/2016

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CAPITAL PLAN, ESTABLISHING COMMITTEE, 2014-33
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #29

WHEREAS, the costs of various capital projects have exceeded their projected costs, as contained in the City’s current Capital Plan, and

WHEREAS, the costs of several new capital projects are not reflected in the City’s current Capital Plan,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby requests that the mayor convene a committee to create a new capital plan that more accurately reflects the costs of capital projects to the city.

Yeas 5
Nays 0
ADOPTED

Chairman Walker said there were items that were over budgeted/not included/over spent in the Capital Plan & the Plan needs to be redone.

RESOLUTION: CIVIL SERVICE COMMISSION, REAPPOINTMENT, 2014-34
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #30

BE IT RESOLVED, that the following individual is hereby reappointed to the Municipal Civil Service Commission for a term concluding at the expiration date appearing opposite his name:

RE-APPOINTMENT	TERM EXPIRES:
Mr. Lewis Rotella 8950 Rivershore Drive Niagara Falls, NY 14304	5/31/2020

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TRUE DELIVERANCE TEMPLE, 40^{TH} CHURCH ANNIVERSARY, RECOGNIZING, 2014-35
BY: ALL COUNCIL MEMBERS

Agenda Item #31

WHEREAS, In February we celebrate Black History Month, a time to recognize people who made sacrifices for the common good, whose will was unbending, whose individual ambitions and endowments they put into a service of a cause greater than personal wealth or fame, and

WHEREAS, during that month the Niagara Falls community honored Dr. Frances S. Douglas founder of True Deliverance Temple for her willingness to accept the holy call of God, not according to her own works, but according to his own purpose and grace, (2 Timothy 1:8-9) and

WHEREAS, on April 26^{th}, at the Como Restaurant in Niagara Falls New York, Pastor Paul Douglas along with the congregation, family and friends of True Deliverance Temple will celebrate 40 years in the ministry, and

WHEREAS, we also take this moment to honor the leadership and vision of Overseer Dr. Frances Douglas who after being ordained in April of 1974, began the ministry presently known as True Deliverance Temple located at 1318 Niagara Street city of Niagara Falls and after 31 years of leadership and growth turned the ministry over to her son Pastor Paul Douglas, and

Whereas, this ministry has touched the lives of many, giving hope and counseling to the lost, support and service to the needy, while Niagara Falls has changed especially in the community for which True Deliverance serves, the ministry has remained steadfast, unmovable always abounding in the Lord, the foundation for which she was built.

NOW THEREFORE, BE IT RESOLVED we the Niagara Falls City Council on behalf of the citizens of this great city would like to congratulate True Deliverance Temple on your 40^{th} Church Anniversary, and we acknowledge the contribution your ministry has made in this city, the lives in which you have touched for we are a better city because of your presence.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: EDUCATION FOUNDATION AWARD WINNERS, HONORING, 2014-36
BY: ALL COUNCIL MEMBERS

Agenda Item #32

WHEREAS, the Niagara Falls Education Foundation will hold its 4th Annual Scholarship & Alumni Recognition Dinner on Thursday, May 1, 2014, and

WHEREAS, the second generation of the Certo family, represented by Ms. Mary and Ms. Elizabeth Certo, will be honored as Distinguished Alumni for the hard work and dedication they poured into the Certo Brothers Distributing Co., a business that was founded in Niagara Falls and that has served Western New York for over 100 years, and

WHEREAS, Mr. Joseph Petrozzi will be honored as a distinguished Alumnus for his industriousness and commitment to his craft as founder of Capitol Cleaners, a Niagara Falls institution that has served the city since 1948, and

WHEREAS, Dr. Michael J. Cardamone will be honored as an Emerging Leader Alumnus for his success in establishing and growing Cardamone Chiropractic, a practice that has assisted the people of Niagara Falls and the Western New York region since the early 2000s, and

WHEREAS, Mr. Jonny Flynn will be honored as a member of the Niagara Falls School District Athletic Hall of Fame for his cultivation of world-class skill and ability in the game of basketball, having led an impressive and inspiring career in the sport, from his days as a Wolverine at Niagara Falls High School to his college years with Syracuse University, and from his NBA career with the Minnesota Timberwolves, the Houston Rockets, and the Detroit Pistons, to his career abroad with the Melbourne Tigers and Sichuan Blue Whales, and

WHEREAS, the late Mr. James Williams, a 1964 graduate of Niagara Falls High School, will be honored as a member of the Niagara Falls School District Athletic Hall of Fame for his devotion to and success in athletics, both as a player, having played basketball in high school and played both basketball at football at the University at Buffalo, and as a coach and mentor to a generation of young sportsmen and women in his adult years,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council extends a heartfelt congratulations to the 2014 award winners, and thanks them for their hard work and inspiring drive to succeed.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: FRIENDSHIP DAY, 2014-37
BY: ALL COUNCIL MEMBERS

Agenda Item #33

WHEREAS, the Niagara Falls chapter of The Links, Incorporated, founded in 1950, will be hosting the biennial conference of its “BERNS” members (Buffalo, Erie, Rochester, Niagara Falls, Syracuse) from Friday, May 9 to Saturday, May 10, and

WHEREAS, The Links, Incorporated has brought together thousands of women from around the world to promote friendship and community service since its founding 1946 in Philadelphia, PA, and now boasts a membership of over 12,000 individuals, and

WHEREAS, the biennial meeting of the BERNS chapters shall assemble on the weekend of May 9-10 to rededicate themselves to their noble cause,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby declares May 10, 2014 to be “Friendship Day” in the City of Niagara Falls, in honor of the service and dedication of the Niagara Falls chapter of The Links, Incorporated.

Yeas	5
Nays	0
	ADOPTED

PUBLIC WORKS: SPECIAL EVENTS, OVERTIME, FUNDING

Agenda Item #34

The Director of the Department of Public Works ("DPW") is requesting that the sum of $33,000.00 be made available to the department's Special Events Overtime budget line in order to pay for DPW related tasks pertaining to events held in the City during year 2014, particularly in the downtown tourist area. Funding is available from Tourism Fund Balance. The Special Events Overtime budget line in the DPW budget is A.7550.0000.0140.000. This $33,000.00 includes $30,000.00 of overtime and $3,000.00 for FICA.

Will the Council so approve?

Council Member Touma moved to Remove the Item from the Table (item was Tabled at the January 21, 2014 Council Meeting.

Yeas 5
Nays 0

MOTION TO REMOVE FROM THE TABLE APPROVED

The Item was added to the Agenda as #34

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:20 P.M.

Carol A. Antonucci
City Clerk

2014 INDEX
CITY COUNCIL MINUTES
NIAGARA FALLS, NEW YORK

"D"

"E"