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JANUARY 1, 2016

ORGANIZATIONAL MEETING

NIAGARA FALLS, NEW YORK

The Organizational Meeting of the January 1, 2016, Niagara Falls City Council was called to order by Council Chairman Andrew Touma at 11:05 AM in the Council Chambers.

The prayer was said by Rev. Raymond Allen. Members of the Niagara Falls Fire Department and Niagara Falls Police Department Color Guards posted the Flag. Niagara Falls High School Students led the gathering in the Pledge of Allegiance to the Flag. Caitlyn and Cathleen Dyster sang the National Anthem.

Chairman Touma welcomed Lt. Governor Kathy Hochul who congratulated the new Council Members and spoke of the great things happening in the City.

Chief City Court Judge Mark Violante administered the Oath of Office to new Council Member Ezra P. Scott, Jr. as Council Member Scott's parents held the Bible.

Judge Violante then administered the Oath of Office to new Council Member Kenny Tompkins as Council Member Tompkins's wife and children held the Bible.

The new Council Members Scott and Tompkins thanked the residents for their support and promised to work hard for the best interests of the City.

Chairman Touma then asked City Clerk, Carol A. Antonucci to call the Roll.

Present: Council Chairman Touma, Council Members Kristen Grandinetti, Ezra Scott, Kenny Tompkins and Charles Walker. 5

Chairman Touma then asked if there were any nominations for Council Chairman 2016. Council Member Walker nominated Andrew Touma, and his nomination was seconded by Council Member Scott. There being no further nominations, Chairman Touma called for a Vote to be taken. All Council Members voted for Andrew Touma, who was unanimously elected Council Chairman for 2016. Judge Violante then administered the Oath of Office to Chairman Touma as Chairman Touma's father held the Bible.

The meeting then proceeded to the Agenda.

RESOLUTION: CITY COUNCIL 2016 MEETING SCHEDULE, 2016-1
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 schedule of dates below as the official schedule of meeting dates for the Niagara Falls City Council for 2016, and be it further

BE IT FURTHER RESOLVED, that the City Council of the City of Niagara Falls will hold its work sessions at 5:00 PM, and its legislative sessions at 6:00 PM on the dates listed below.

January 1 Organizational Meeting
January 11
January 25
February 8
February 22
March 7
March 21
April 4
April 18
May 2
May 16
May 31 (Tuesday)
June 13
June 27
July 11
July 25
September 6 (Tuesday)
September 19
October 3
October 17
November 1 (Tuesday)
November 14
November 28
December 12
December 27 (Tuesday)

Yeas
Nays

5
0
ADOPTED

RESOLUTION: NIAGARA GAZETTE, DESIGNATION AS OFFICIAL NEWSPAPER, 2016-2
BY: ALL COUNCIL MEMBERS

Agenda Item #2

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 the 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, and

BE IT FURTHER RESOLVED, that this designation shall be in effect for the year 2016, but such designation shall not thereafter lapse until superseded.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: INVESTMENT POLICY, 2016-3

Agenda Item #3

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

City Court Judge Diane Vitello administered the Oath of Office to Mayor Paul A. Dyster as Mayor Dyster's wife and father held the Bible. Mayor Dyster welcomed those present, thanked the residents for their support and then spoke of the great things to come for the City.

Judge Violante then administered the Oath of Office to County Legislatores Owen Steed, Jason Zona and Dennis Virtuoso.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 12:00 noon.

Carol A. Antonucci
City Clerk



JANUARY 11, 2016
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the January 11, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:04 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Council Member Walker moved to approve the Minutes from the Council Meeting of December 28, 2015.

Yeas

5

Nays

0

APPROVED

Chairman Touma asked the Travis family to come forward while he read the Proclamation honoring Sgt. Theodore Travis (Agenda Item #14). He and the Council Members presented that Proclamation to the family, and Sgt. Travis's wife said a few words about her late husband.

Andrea Czopp, representative from NTCC, was introduced by Mayor Paul Dyster. She spoke about the Great Lakes Initiative Conference that is being hosted by Niagara Falls. Our partner, NTCC, has offered resources for this and there is no cost to the City for this Conference. The Mayor spoke about the two day conference, and said that it is excellent exposure and Bed Tax revenue and additional revenue will be received by the City. A discussion among the Council Members, Mayor, and Acting Planning Director Thomas DeSantis followed. Corporation Counsel Craig Johnson will provide a copy of the expenses for the Conference to the Council.

Chairman Touma stated that the phone system will be addressed at the next Council Meeting. City Administrator Donna Owens said the Director of MIS, Joseph Morock Jr., will be talking to Vendors and will discuss this at the next Meeting. Brooke D'Angelo will also speak at the next Council Meeting about education concerning recycling and going into the schools.

Council Member Scott addressed Agenda Item #2, relative to the purchase of Police vehicles, and asked if Casino Funds are the only way to pay for the Police vehicles. Mayor Dyster said Capital purchases are under Casino funds and this would qualify. Police Captain Trane stated that some vehicles were ordered at the end of 2015. Controller Maria Brown explained about paying out of Casino funds and she would like to sit down with all the Council Members to explain the complexity of using Casino funds.

Mayor Dyster reported that the Buffalo/Niagara Partnership Projects included three Projects for the City, and he thanked those Council members who attended the meeting.

Corporation Counsel Craig Johnson introduced a walk-on in regards to hosting the 2016 Annual Meeting and Conference of the Great Lakes and St. Lawrence Cities Initiative. Chairman Touma asked if this walk-on could be put on at the next meeting to give the Council Members a chance to review this, and Mayor Dyster said this was not possible due to having to book the Conference Center now. Chairman Touma asked for a motion to add this Item to the Agenda. Council Member Grandinetti made the motion, but there was no second; therefore, the Item was not added to the Agenda.

Council Member Walker talked about Agenda Item #4, relative to an Ordinance Amendment for Benefits of Employees not covered by Collective Bargaining Agreements, and said that this is a part time position, but full time hours are put in by the Council Members. He will speak about this when voting and he can't support it.

The Meeting ended at 6:07 PM

Chairman Touma reconvened the Meeting at 6:25 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:

Robert Pascoal	Agenda Item #2
Ron Anderluh	Welcomed new Council Members; Parking Meters installation downtown; enforcement of Parking Meters; location of meters
Jamie Caldwell	Delay of Hamister Project; hiring of Engineer
Rick Crogan	Mayor's Conference, Agenda Item #16, same weekend of Music/Art Festival, can market this with Conference
Diane Tattersall	Compliment to DPW for cleanup; Rick Crogan's statements are positive; concerns and problems in Niagara Falls; voter Turnout low; Great Lakes Conference

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF DECEMBER 2015

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: POLICE DEPT., VEHICLES

Agenda Item #2

The Superintendent of Police advises that it is necessary now to purchase five (5) new vehicles. These vehicles consist of three (3) Ford Police Interceptors (SUV type vehicles) and two (2) Ford vans. The vehicles that are being replaced are high mileage vehicles and are out of compliance with acceptable police standards. The total cost of the five (5) vehicles inclusive of up-fitting the vehicles, inside and out and marking them with graphics is \$180,500.

The City Controller advises that 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

5

Nays

0

APPROVED

Council Member Scott stated we do need these, is voting Yes.

Council Member Tompkins said he has seen the shape of these cars and is voting Yes.

Council Chairman Touma said he has driven in some of the vehicles and the Police are put in a very unsafe situation with the older cars.

Casino Dollars are earmarked for purchases such as these and is voting Yes.

CITY PROPERTY: 425 THIRD STREET, CONSTRUCTION ACCESS PERMISSION

Agendas Item 2A

The City owns the vacant lot located at 425 Third Street. The owner of the Zaika Indian Restaurant at 421 Third Street, the adjoining property, has asked for permission to enter the City-owned property for access to a wall on the restaurant property during some renovations.

Under Real Property Action and Proceedings Law §881, a property owner can obtain a court order for access to an adjoining property for construction. Since the law provides for this access, the City Council generally grants permission.

In this instance, the access will be for up to 14 consecutive days during January or February, with the specific dates to be agreed upon. The property owner will indemnify the City against any damages or claims for injuries to persons or property. The contractor will provide the standard City insurance, with the City named as additional insured. The property owner or contractor will not damage the City property during construction and will restore the City property to the condition it was in before access.

Will the Council vote to approve construction access permission 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

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: CALABRO, CHARLES V.

Agenda Item #3

Date Claim Filed:	February 2, 2008
Date Action Commenced:	March 17, 2009
Date of Occurrence:	January 8, 2008
Location:	1300 block of Michigan Avenue
Nature of Claim:	Damages sustained during police investigation
Status of Action:	Pre-trial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$115,000.00
Make Check Payable to:	Charles V. Calabro and Shaw & Shaw, 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 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: BENEFITS OF EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS, ORDINANCE AMENDMENT, 2016-4

BY: COUNCIL MEMBER KENNETH M. TOMPKINS

Agenda Item #4

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 171 of the Codified Ordinances entitled ABenefits of Employees Not Covered by Collective Bargaining Agreements@ is hereby amended by amending Section 171.01 to read as follows:

171.01 DEFINITIONS.

a. The term "City employee", as used in this Chapter, shall include all full-time employees of the City of Niagara Falls not covered by Collective Bargaining Agreements, excepting seasonal employees and members of City boards and commissions. For the purpose of retirement system membership, health and dental insurance, life insurance and Worker's Compensation benefits only, elected officials shall be considered city employees as defined above. For the purposes of health, dental and life insurance benefits only, Municipal Civil Service Commissioners [shall be considered City employees as defined above] first appointed after January 1, 2016 shall not be considered City employees as defined above.

. . .

Bold and Underlining indicate Additions.

Bold and Brackets indicate [Deletions].

Yeas

5

Nays

0

ADOPTED

Chairman Touma stated that this is a part time position and health insurance was voted on by previous Council Members to assist Commission Members. We need to look at everything to make sure we make it equal for all Board Members, and he is voting Yes.

RESOLUTION: BENEFITS OF EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS, ORDINANCE AMENDMENT, 2016-5

BY: COUNCIL MEMBER KENNETH M. TOMPKINS

Agenda Item #5

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 171 of the Codified Ordinances entitled ABenefits of Employees Not Covered by Collective Bargaining Agreements@ is hereby amended by amending Section 171.05 to read as follows:

171.05 HEALTH INSURANCE.

a. The City shall provide group health and dental insurance as provided for under the City's "Health Care Memorandum of Understanding", agreed to be the City's Health Care Committee and adopted by the City Council January 17, 2006. The Blue Cross/Blue Shield PPO is the current health insurance plan under the MOU and Delta Dental Premier is the current dental plan. City Council members first elected after January 1, 2016 or re-elected, after a separation from service as a City Council member after January 1, 2016, will not be entitled to any benefit contained in the City's "Health Care Memorandum of Understanding", including, but not limited to, health and dental insurance and any health insurance opt-out payment.

. . .

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

Yeas	3
Grandinetti, Tompkins, Chairman Touma	
Nays	2
Scott, Walker	

ADOPTED

Council Member Scott said he made it clear in his statement to the Niagara Gazette about this and is standing firm and is voting No. Council Chairman Touma said we need to look at all areas to cut expenses and Health Care is one of them. We do have full time responsibilities for a part time job. A difficult vote as we need to make a tough decision and need to look at this down the road and he is voting Yes.

RESOLUTION: CABLE TELEVISION COMMISSION, REAPPOINTMENT/APPOINTMENTS, 2016-6

BY: ALL COUNCIL MEMBERS

Agenda Item #6

BE IT RESOLVED, that the following individuals are hereby reappointed and appointed to the City of Niagara Falls Cable Television Commission, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENT:	TERM EXPIRES:
Richard Meranto	12/31/2020
4622 Terrace Drive	
Niagara Falls, NY 14305	

APPOINTMENT:	TERM EXPIRES:
Kenneth A. Badger	12/31/2019
563 17 th Street	
Niagara Falls, NY 14301	

Matthew J. Jones	12/31/2018
1639 Ontario Avenue	
Niagara Falls, NY 14305	

Yeas	5
Nays	0

ADOPTED

RESOLUTION: CIVIL SERVICE COMMISSION, APPOINTMENT, 2016-7
BY: ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, there is currently one vacant seat on the Niagara Falls Civil Service Commission, due to the passing of Mr. Lewis "Babe" Rotella.

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Civil Service Commission, effective immediately to fill the unexpired term of Mr. Rotella:

APPOINTMENT:	TERM EXPIRES:
Lora Allen	5/31/2020
1656 Michigan Avenue	
Niagara Falls, NY 14305	
Yeas	
Nays	

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0
ADOPTED

RESOLUTION: SENIOR CITIZEN COUNCIL, REAPPOINTMENTS, 2016-8
BY: ALL COUNCIL MEMBERS

Agenda Item #8

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Senior Citizen Council, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENT:	TERM EXPIRES:
Marie DeFelice	12/31/2016
2540 Jerauld Avenue	
Niagara Falls, NY 14303	
Harold Fox	12/31/2017
2243 Cleveland Avenue	
Niagara Falls, NY 14305	
George Kralick	12/31/2017
512 82 nd Street	
Niagara Falls, NY 14304	
Robert Ramos	12/31/2017
2481 South Avenue	
Niagara Falls, NY 14305	
Norman Bock	12/31/2018
3807 Pine Avenue	
Niagara Falls, NY 14301	
Lucy Hamera	12/31/2018
3019 Welch Avenue	
Niagara Falls, NY 14303	

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PLANNING BOARD, REAPPOINTMENT/APPOINTMENTS, 2016-9
BY: ALL COUNCIL MEMBERS

Agenda Item #9

BE IT RESOLVED, that the following individuals are hereby reappointed and appointed to the City of Niagara Falls Planning Board, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENT:	TERM EXPIRES:
Lisa Vitello 4859 Terrace Drive Niagara Falls, NY 14305	12/31/2018

APPOINTMENT:	TERM EXPIRES:
Michael Murphy 642 4 th Street Niagara Falls, NY 14301 (to fill the unexpired term of Ms. Laurie Davis)	12/31/2016

Joyce M. Williams 1314 Calumet Avenue Niagara Falls, NY 14305 Yeas Nays	12/31/2018
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ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, REAPPOINTMENTS, APPOINTMENTS,
2016-10
BY: ALL COUNCIL MEMBERS

Agenda Item #10

BE IT RESOLVED, that the following individuals are hereby reappointed and appointed to the City of Niagara Falls Tourism Advisory, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENT:	TERM EXPIRES:
Traci L. Bax 8654 Hennepin Avenue Niagara Falls, NY 14304	12/31/2016
Adrienne Bedgood 2256 South Avenue Niagara Falls, NY 14305	12/31/2016
Angela Berti Prospect Street & Old Falls St. Niagara Falls, NY 14303	12/31/2016
Ron Droegmyer 300 3rd Street Niagara Falls, NY 14303	12/31/2016
Mickey Dumas 1023 South Avenue Niagara Falls, NY 14305	12/31/2016
Denise Easterling 1306 Willow Avenue Niagara Falls, NY 14305	12/31/2016
Ernest Lucantonio 2450 Forest Avenue Niagara Falls, NY 14301	12/31/2016

<u>REAPPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Mark Mistriner 2945 North Avenue Niagara Falls, NY 14301	12/31/2016
Gay Molnar 2114 River Road Niagara Falls, NY 14304	12/31/2016
Jason Murgia 101 Old Falls Street Niagara Falls, NY 14303	12/31/2016
Willie Price 91 Deuro Drive Niagara Falls, NY 14304	12/31/2016
Pat Proctor 454 Main Street Niagara Falls, NY 14301	12/31/2016
Lisa Vitello 4859 Terrace Drive Niagara Falls, NY 14305	12/31/2016
Shawn Weber 250 Rainbow Boulevard Niagara Falls, NY 14303	12/31/2016

<u>APPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Richard A. Crogan 646 4 th Street Niagara Falls, NY 14301	12/31/2016
Jeffery Flach 723 3 rd Street Niagara Falls, NY 14301	12/31/2016
Yeas	5
Nays	0

ADOPTED

RESOLUTION: ZONING BOARD OF APPEALS, REAPPOINTMENTS/APPOINTMENTS,
2016-11
BY: ALL COUNCIL MEMBERS

Agenda Item #11

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

<u>REAPPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Craig Avery 151 Buffalo Avenue Apt. 1205 Niagara Falls, NY 14303	12/31/2018
John Cooper 540 12 th Street Niagara Falls, NY 14301	12/31/2018
<u>APPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Camille Sarkees 151 Buffalo Avenue Apt. 1202 Niagara Falls, NY 14303	12/31/2018

Robert Pascoal
6124 Buffalo Avenue
Niagara Falls, NY 14304
Yeas
Nays

12/31/2018

5
0

ADOPTED

Chairman Touma stated in regards to all Boards, it is a privilege to be on these Boards. Resumes were amazing from our residents and he is voting Yes.

RESOLUTION: YOUTH BOARD, REAPPOINTMENT/APPOINTMENTS, 2016-12
BY: ALL COUNCIL MEMBERS

Agenda Item #12

BE IT RESOLVED, that the following individuals are hereby reappointed and appointed to the City of Niagara Falls Youth Board, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENT:	TERM EXPIRES:
Philip Mohr 4525 Lewiston Road Niagara Falls, NY 14301	12/31/2018

APPOINTMENT:	TERM EXPIRES:
Vera Woods 4015 McKoon Avenue Niagara Falls, NY 14305	12/31/2018

Theresa Kasper 2936 Niagara Avenue Niagara Falls, NY 14305	12/31/2018
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Helen Kress 2965 Weston Avenue Niagara Falls, NY 14305	12/31/2018
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Sanquin Starks 8521 Porter Rd. #23 Niagara Falls, NY 14304 (to fill the unexpired term of Bryan Rotella - resignation) Yeas Nays	12/31/2017 5 0
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ADOPTED

RESOLUTION: HYDE PARK OASIS, WAIVER OF RENTAL FEES, SERTOMA CLUB,
2016-13
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #13

WHEREAS, the Niagara Falls Sertoma Club wishes to do its part in helping those in our city who are considered less fortunate; and

WHEREAS, the Sertoma Club donates to various organizations including the V.A. Homeless Veterans Program, Family and Children Services, Niagara Hospice, Niagara Falls Boys and Girls Club, Niagara Cerebral Palsy, Heart and Soul Community Kitchen, NF Police Association and Opportunities Unlimited; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls does hereby waive the rental fee of the Oasis at Hyde Park, for the Niagara Falls Sertoma Club's 62nd Annual Chicken Barbecue, to be held on Sunday, August 21, 2016. This is one of their main fundraisers that help support various organizations throughout the City (letter on file in the City Clerk's Office).

Yeas

5

Nays

0

ADOPTED

Council Member Scott believes the Sertoma Club does much for the Community and he is voting Yes.

RESOLUTION: TRAVIS, SGT THEODORE, Honoring, 2016-14
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, the Niagara Falls City Council wishes to honor the memory and service of Sgt. Theodore Travis for his dedication to the City of Niagara Falls and the United States of America; and

WHEREAS, Sgt. Travis was a dedicated and diligent member of our United States Military Service. He was a member of the 101st Airborne, 2nd Brigade, 3rd Battalion, 502 Infantry, Multinational Force of Sinai Peninsula, and 8 crew members. He was one of 248 members of the military killed in the historic Gander, New Foundland airplane explosion. The incident was known as one of the worst aviation accidents in military history at the time; and

WHEREAS, Mr. Travis was the exceptional husband of Cynthia, father of Theodore, Jr. and Stephan Sr.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York, does hereby honor the memory of Sgt. Theodore Travis. This honor will be entered into public record forevermore.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: MARRIAGE OFFICER, REAPPOINTMENT, 2016-15
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #15

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

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, Leonard G. Lapp, Jr. be reappointed as a Marriage Officer for the City of Niagara Falls for a term of four years; and

BE IT FURTHER RESOLVED, that the fee for such marriage service shall be \$100.00; and

BE IT FURTHER RESOLVED, that the fees for all marriages performed by said Marriage Officers during normal business hours be deposited to the credit of the City of Niagara Falls.

Yeas

5

Nays

0

ADOPTED

Agenda Item #16

In June of 2016, the City will play host to the Annual Meeting and Conference of the Great Lakes and Saint Lawrence Cities Initiative ("GLSLCI"). There are 118 municipalities that are members of the GLSLCI.

As Council members may know, the GLSLCI has as its primary purpose the mission of preserving and safeguarding the quality of the fresh water in the various bodies of water that surround us. We have been active in the GLSLCI for a number of years and are proud and excited that the City will play host to this Annual Meeting and Conference this summer.

In the proposed MOU, the Niagara Tourism & Convention Corporation (the "NTCC") agrees to assist the City in hosting this conference by making its resources available to perform many of the planning and logistic tasks required for the conference as well as assist the City with the solicitation of sponsors and other sources of revenue. The NTCC will also be providing up to \$5,000.00 of its own funds toward transportation related expenses.

While the experience of member cities in the GLSLCI over the years in hosting this Annual Meeting and Conference has not resulted in any expense to the host city that was not covered by revenues generated, the NTCC is requesting a commitment from the City that any costs and expenses it incurs over and above any revenues generated will be reimbursed by the City up to \$75,000.00. The funding for this financial commitment, if needed, is available from Casino Revenues. If any surplus exists, it will be retained by the GLSLCI.

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

Yeas	4
Grandinetti, Tompkins, Walker, Chairman Touma	
Nays	1
Scott	

APPROVED

Council Member Grandinetti believes this information should have been given to Council in a more timely manner. This should have been given to us at an earlier time. She wholeheartly supports this is voting Yes. Council Member Scott said he just received this tonight and is voting No.

Council Member Tompkins said with this additional information they have given us is voting Yes.

Council Member Walker understood how the operation works but didn't have a Budget. Since we now have the Budget, he became comfortable with this and is voting Yes.

Council Chairman Touma thanked the administration for putting this together for the City and this is a win for the City. Appreciates NTCC's partnership in this. We can't rush to decisions when we don't have ample information but with the information shared with us tonight, I vote Yes.

There being no further business to come before the Council,
Chairman Touma adjourned the Meeting at 7:03 P.M.

Carol A. Antonucci
City Clerk



JANUARY 25, 2016

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the January 25, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

City Administrator Donna Owens introduced Director of MIS Joseph Morock, Jr. to speak about the City Website. Mr. Morock stated that the current website is approximately 10 years old, and a more functional website is needed, and he talked about some of the features that will be on this new website. Each Department will have their own web page, and Department Heads will be consulted about their web page needs. He added that he doesn't want to buy more than what is actually needed. Council Member Grandinetti stated that the website needs to be user friendly for the general public. City Administrator Owens said Mr. Morock will have the timeline for the website at the next Council meeting.

Brooke D'Angelo, SWEET Program Coordinator, gave a presentation on the Refuse/Recycle Program. Council Member Tompkins asked about the tonnage, and cleaning of the alleys in Niagara Falls. Robert Spacone, Acting Director of Parks, said the Clean Neighborhood Inspector responds to the complaints and an immediate cleanup will be done and the property owner will then be billed. The City is experiencing illegal dumping, and DPW is doing a great job of the cleanup of this. He will provide Council Member Tompkins the cost of this. Ms. D'Angelo said that a violation "OOPS" is issued to the non-compliant home owner, and education is the key. Council Member Tompkins asked about better hours for pickups. Joe Hickman, representative from Modern Disposal, said that Modern is currently closed on Saturdays, but in April and May they will be opening on Saturdays. He is pleased with the success rate in the City, and said that we are on the right track. Chairman Touma asked the Mayor about moving forward with education and enforcement, and if, as the phone calls decrease, Ms. D'Angelo can be used in the capacity of educating residents. Council Member Walker said we were going to incorporate this position into DPW and we need to sit down and put it together.

Mayor Dyster spoke about the US Council of Mayors Conference that he attended. He also stated that Senator Ortt's office obtained a \$250,000.00 grant for the 72nd Street Project, and Assemblyman Ceretto also obtained a grant for this Project.

Mayor Dyster said there was a Press Conference today, with US Attorney Bill Hochal in attendance, in regards to the sentencing of Dr. Mehta. Superintendent of Police DalPorto talked about Dr. Mehta's prescribing pain pills illegally. Superintendent DalPorto also spoke on the Plate Readers (Agenda Item #12). City Controller Maria Brown said this was taken out of the Budget and it should be put back in. Corporation Counsel Craig Johnson added that a plea agreement was made with Dr. Mehta and his wife for a transfer of his Office and 3 properties on 3rd St. to the City. This will be presented to the Planning Board and then to the Council for approval. Community Development Director Seth Piccirillo said this will be an investment for the neighborhood on 3rd St. and a positive growth for the area.

Chairman Touma asked about the sale of homes for the Community Development Home Ownership Program (Agenda Item #8), and Mr. Piccirillo said the next step will be executing the sale.

Corporation Counsel Craig Johnson distributed copies of 2 items to be added to the Agenda.

1. A Communication to be added to the Agenda for the approval of Change Order #1 in the contract for acoustic and electric upgrades to LaSalle Library to Walter S. Johnson Bldg.

Council Member Walker moved to add the Communication to the Agenda
Council Member Grandinetti seconded the motion.

Yeas	5
Nays	0

Motion to add the Communication to the Agenda Approved
The Communication was added to the Agenda as #17

2. A Resolution to be added to Agenda relative to Honoring Ada Lucille Williams on her 92nd Birthday.

Council Member Walker moved to add the Communication to the Agenda
Council Member Grandinetti seconded the motion

Yeas	5
Nays	0

Motion to add the Communication to the Agenda Approved
The Communication was added to the Agenda as #18

Council Member Walker spoke on the Train Station Project (Agenda Item #4), and asked if the City has a Management Plan and a cost for this. Acting Planning Director Thomas DeSantis said the City has a prorated lease term with Amtrak, but not a firm number as of yet. City Controller Brown asked Mr. DeSantis about getting a Budget, which will go to Council for approval. Council Member Grandinetti asked what date the Station will be open and Mr. DeSantis said it will be the end of May. Economic Development Department will be responsible for the retailers at the Train Station. A brief discussion followed between the Council and Mr. DeSantis.

Council Member Scott spoke about the purchase of concrete (Agenda Item #2) and asked we going to exceed the contract cost and what Department will handle this purchase. Civil Director Engineer Robert Buzzelli said it will be DPW.

Mayor Dyster spoke on funding the Niagara Military Affairs Council (Agenda Item #14), and said that this is not the full amount of funding, but a continuation of funding. Council Member Tompkins asked if other municipalities contribute to this, and Mayor Dyster said John Cooper should be asked this question.

This Session ended at 6:50 PM.

Chairman Touma reconvened the Meeting at 7:10 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Scott and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Robert Ventry	Agenda Items #3, #9, #10, #11, #12
Ron Anderluh	Federal Govt. to take Seizure Program out of the hands of the Police Dept.; Lockport Rd. & 24 th St. repairs; comment on recent event at the LaSalle Library; OSC-21 doing a great job; heard about the County Courthouse moving to Lockport
Bob Pascoal	Police cars; Mayor's Task Force
Michael Henderson	Recycling; Xmas trees not recyclable, needs to be rectified

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPOFRT FOR THE MONTH OF DECEMBER 2015
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: CONCRETE, LAFARGE NORTH AMERICA

Agenda Item #2

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

TO: LaFarge North America
75 Pineview Drive
Amherst, NY 14228

FOR: Concrete as described on the attached tally sheet (on file in the City Clerk's Office).

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to two (2) vendors. Two (2) bids were received. After reviewing each bid we determined that LaFarge submitted the lowest overall bid as shown on the attached tally sheet.

Funds for this expenditure are included in the DPW Construction and Repair account code A.5110.0200.0419.006.

Will the Council so approve?

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

Yeas

Nays

5

0

APPROVED

CONTRACT: LOCKPORT ST, RECONSTRUCTION, ENGINEERING SERVICES CONTRACT
SCOPE ADJUSTMENT, URBAN ENGINEERS OF NEW YORK, PC

Agenda Item #3

The City Council previously approved resolutions and appropriated funding, which is federally reimbursable, for the above referenced project that was awarded to Urban Engineers of New York, PC on June 11, 2007.

Before completing the final design for this project, the construction funding was withdrawn by the NYSDOT and replaced with a reduced amount. The result is a change in design from a complete road reconstruction to a mill & overlay preservation project. This Change Order is for Additional Consultant Services related to a required change in the 'scope of work' for that new preservation project.

After preliminary design is approved additional Final Design and Construction Inspection matching monies will be added to this contract. Please note that all work is Federal eligible at 80% and State matching Marchiselli funds at 15%.

It is the recommendation of the undersigned that Change Order #3 be approved in the amount of \$200,000.00 increasing the total contract total to \$853,221.00. Funding is available in Code H0633.2006.0633.0449.599 and in a 2010 road reconstruction Bond Resolution.

Will the Council vote to 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

Chairman Touma said this is great about the reconstruction of Lockport St. and this is 95% reimbursable.

CONTRACT: TRAIN STATION/TRANSPORTATION CTR. PROJECT, SCRUFARI
CONSTRUCTION COMPANY INC.

Agenda Item #4

A contract for the above referenced project was awarded to Scrufari Construction Company Inc., 4800 Hyde Park Blvd. 3925 Hyde Park Blvd., Niagara Falls, NY, on April 14, 2014 in an amount of \$22,691,000.00.

The City Council has approved Change Orders request to date in the amount of \$ 1,002,469.20 bringing the total contract amount to \$23,693,469.20.

This Change Order covers various contract changes from July 1, 2015 to January 15, 2016 and is composed of two separate scopes that have been reviewed by the City's consultant Wendel and the Engineering Department.

First, the project required various revisions to the original 'scope of work' for unanticipated and necessary work that involved structural, mechanical, signage and interior modifications. Second, there is a need to secure additional Railroad protection as required by contract to meet the anticipated Railroad construction impacts estimated till April 2016.

Funding for Change Order #5 is a transfer of funds from the "Owners" additional construction contingency budget (within the existing project budget) to the Contractor's budget. The Owner's contingency fund includes matching Federal, State and City's local-share funding (20% matching funds) already approved by City Council and available in a Capital Project Fund H0402, for the Railway Station.

Therefore, it is the recommendation of the undersigned that Change Order #2 in the amount of \$200,503.64 be approved; bringing the new contract total to \$23,893,972.84 sufficient funds presently exist in Code H0402.

Will the council vote to so approve?

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

Yeas

5

Nays

0

APPROVED

POLICE DEPARTMENT: STOP VIOLENCE AGAINST WOMEN GRANT AWARD

Agenda Item #5

The Superintendent of Police advises that the Niagara Falls Police Department has been awarded a 2015 Stop Violence Against Women grant award for the period of time January 1, 2016 to December 31, 2016. This grant is in the amount of \$66,750.00.

Will the Council approve the acceptance of this grant and authorize the Mayor to execute any documents in order to accept the grant provided those documents are in such form as is 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

Chairman Touma said this is a great initiative & the Police Dept. drafts a lot of Grants.

CONTRACT: ICE PAVILION, PHASE IV, REPLACEMENT OF ICE FLOOR, UNDER SLAB PIPING & SYSTEMS/DASHER BOARDS, DIDONATO ASSOCIATES, P.E.

Agenda Item #6

A contract for the above reference project was awarded to DiDonato Associates, P.E. of Buffalo on July 21, 2014 for professional services and design related tasks in the amount of \$175,000.00. This amount was later increased to accommodate the performance of construction inspection and various testing tasks required throughout the construction phase of the project; eventually reaching the current total of \$304,876.00.

During construction it became evident that additional unforeseen construction changes that required engineering tasks not included in the consultant's original scope of work. These additional engineering tasks are as listed:

- Design of new collar ties and bleacher screen wall associated with the GC Contract.
- The Brine Pumps and valve replacement, ammonia feed valve, control system troubleshooting, brine flow switch and controller, 60 HP Brine pump repairs, Trench Drain Work, collar tie grading work and existing underground wiring and conduit replacement for 30 hp pumps all associated with the Ice Rink Contract.

During construction, City engineering staff augmented the construction inspection to the point where existing funds remain in the consultant's C.I. portion of their contract that can be shifted from (C.I.) inspection to design, with no increase to our contract total, resulting in a (\$0.00) Change Order.

To that end please allow this zero dollar Change Order #2, request to facilitate the payment of \$13,170.00 to DiDonato Associates P.E. for additional design and mechanical engineering. Existing funding is available through the original Bond Resolution approved by City Council for this project.

Will the council vote to so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: OSC-21, SCHOOL DISTRICT, FUNDING

Agenda Item #7

The 2016 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 Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

Council Member Tompkins said we have wonderful organizations but in the future they need to find other sources for funding. The City's income is getting smaller & smaller.

Chairman Touma said there is a franchise fee from the Cable Commission and that money is put back into the School District for use by OSC-21.

CITY PROPERTY: 417 ELMWOOD AVE & 2723 LASALLE AVE., COMMUNITY DEVELOPMENT DEPT., HOME OWNERSHIP AUCTION

Agenda Item #8

The Niagara Falls Community Development Department (CD) requests Niagara Falls City Council approval for the sale of 417 Elmwood Avenue and 2723 Lasalle Avenue. The Niagara Falls Planning Board unanimously recommended the sale of both parcels at its January 11, 2016 meeting (on file in the City Clerk's Office).

CD conducted a Home Ownership Auction on May 21, 2015 for seven properties with the following stipulations:

-Successful bidders must agree to own and live in the home as prime occupant for no less than five years and pay all applicable property taxes.

-Successful bidders must submit a renovation plan, designating work to be completed by the owner and/or contractors, as well as possess the financial ability to execute the renovation prior to completing the sale agreement with the City of Niagara Falls.

-If the above terms are not met after the purchase of the property, ownership will revert back to the City of Niagara Falls.

The successful bidders for 417 Elmwood Avenue and 2723 Lasalle Avenue have met CD staff, reviewed the code enforcement violation report and created renovation plans for the respective properties. Therefore, CD requests sale approval to the following bidders:

Address: 417 Elmwood Avenue

Purchaser: Barrett Jackson

Price: \$6,300

Address: 2723 Lasalle Avenue

Purchaser: Renee Mathews

Price: \$18,000

Chairman Touma commended Council Member Walker on this initiative and gave thanks to Community Development Director Seth Piccirillo,

Will Council vote to approve the sale of these properties and find that the best interest of the City shall be subserved by dispensing with a sale at public auction and authorize the Mayor to execute deeds and other related documents?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA ARTS AND CULTURAL CENTER, FUNDING

Agenda Item #9

The 2016 Budget contains an appropriation in the amount of \$30,000.00 for the NACC. 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

Council Member Walker said they should seek funding from outside sources and the City needs to support the non-for-profit organizations.

Chairman Touma said this facility enriches the lives of many in the City.

CONTRACT: NIAGARA FALLS BLOCK CLUB COUNCIL, FUNDING

Agenda Item #10

The 2016 Budget contains an appropriation in the amount of \$10,000.00 for the Council. 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

CONTRACT: NIAGARA FALLS BEAUTIFICATION COMMISSION, FUNDING

Agenda Item #11

The 2016 Budget contains an appropriation in the amount of \$10,000.00 for the NBC. 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?

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

Yeas

5

Nays

0

APPROVED

POLICE DEPT.: LICENSE PLATE READER TECHNOLOGY, RENEWING, FUNDING

Agenda Item #12

The Superintendent of Police advises that it is necessary to renew its license plate reader technology service for a three (3) year term. The cost to do this over the three (3) year period of time is \$33,000.00. Attached hereto (on file in the City Clerk's Office) is a copy of the quote. The City Controller advises that these funds are available from budgeted sources.

Will the Council so approve and authorize the Mayor to execute any documents that may be required in connection with this service?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA COMMUNITY ACTION PROGRAM, INC., FUNDING

Agenda Item #13

The 2016 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 2016. 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

Grandinetti, Scott, Tompkins, Chairman Touma

Nays

0

Abstain

Walker

APPROVED

Chairman Touma said this Program provides emergency assistance for residents.

CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #14

The 2016 Budget contains an appropriation in the amount of \$2,500.00 for the NIMAC. In order to effectuate this, a funding 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

Chairman Touma said NIMAC advocates for a base that employs the most people in the County. This affects a lot of people in their jobs and livelihood. We need to keep this in our County.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL
IN REM AUCTION BIDS, APPROVAL

Agenda Item #15

Attached (on file in the City Clerk's Office) is the list of bids from the December 14, 2015 auction.

With respect to Schedule A properties, Ward 04, Pro 1192; Ward 04, Pro 1193; Ward 05, Pro 4110; Ward 09, Pro 2711; Ward 09, Pro 3014; Ward 10, Pro 0160; Ward 10, Pro 1451; Ward 10, Pro 1456; Ward 10, Pro 1457 and Ward 12, Pro 1576, we recommend approval of the bids subject to payment of any delinquent taxes on other properties within 30 days. If the taxes are not paid by that time the bids are rejected and deposits and auctioneer fees forfeited pursuant to the Terms of Sale.

With respect to Schedule A properties, Ward 05, Pro 1607; Ward 09, Pro 2797; Ward 12, Pro 1576 and Ward 12, Pro 4332, the bidders have outstanding housing inspection violations and we recommend that the bids be rejected and the deposit forfeited in accordance with the Terms of Sale.

With regard to Schedule A, we recommend that the bids for Ward 05, Pro 1698; Ward 09, Pro 0325 and Ward 14, Pro 6806 be rejected and the bid deposit and auctioneer's fee returned to the bidder.

With the exception of the above, we recommend that the bids for Schedule A properties be approved. The bids for Schedules B and C properties do not require Council approval and are submitted for your information. (Ward 13, Pro 3405 and Ward 14, Pro 3308 are being rejected and the deposit forfeited. Ward 12, Pro 3859 is being rejected and the deposit and auctioneer's fee refunded.)

Will the Council so approve and authorize the Mayor to execute deeds to the successful bidders in accordance with the Terms of Sale?

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

Yeas

5

Nays

0

APPROVED

CITY PROPERTY: 1987 EASEMENT EXTINGUISHED, SHERATON HOTEL

Agenda Item #16

In 1987, in connection with the construction of the old Parking Ramp 1, the Niagara Falls Urban Renewal Agency ("NFURA") granted to the City an easement on the "service road" that is located between the ramp (now parking lot) and the hotel. The easement also includes a strip of land on the west side of Third Street along the sidewalk in front of the hotel (now the Sheraton). A copy of the easement is attached (on file in the City Clerk's Office) for your reference.

The City is in the process of selling a portion of the service road to the owner of the Sheraton for construction of an indoor water park. The City is also in the process of dedicating the remaining portion of the property covered by the easement as a public right-of-way.

The easement parcel was later conveyed to the City by the NFURA. The easement may have been extinguished on the conveyance by the legal doctrine of "merger", which holds that when a benefitted party obtains title to an easement parcel, the easement is extinguished.

In order to be clear that there are no remaining rights held by the City or the public over the parcel to be conveyed to the owner of the Sheraton, the Purchaser, in the contract of sale, has required that the easement be extinguished formally. The NFURA will be asked to take similar action at its next meeting.

In any event, it is appropriate for the City Council to acknowledge formally that the easement is extinguished. Will the City Council vote to extinguish the 1987 easement 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

Chairman Touma said the City is in the process of selling a portion to the Sheraton. They are building a Water Park and the Sheraton said the Park will be up very quickly.

CONTRACT: LASALLE LIBRARY, ACOUSTIC/ELECTRIC UPGRADES, WALTER S. JOHNSON BLDG. CO.

Agenda Item #17

A contract for the above referenced project was awarded to Walter S. Johnson Bldg. Co. Inc., 6638 Mooradian Drive, Niagara Falls, NY, on September 21, 2015 in an amount of \$44,750.00.

The City received a New York State Economic Development Assistance Program ("NYS EDAP") Grant, up to the amount of \$100,000.00. Bids for this project came in well below the Grant amount which allowed the Library to add additional "Acoustic Upgrades".

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount not to exceed \$50,000.00 be approved. Funding is 100% reimbursable through a grant from "NYS EDAP" -Project ID# 4813.

Will the council vote to so approve?

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

Yeas

5

Nays

0

APPROVED

Council Member Grandinetti seconded the Item to be added to the Agenda.

RESOLUTION: WILLIAMS, ADA LUCILLE, 92ND BIRTHDAY CELEBRATION, 2016-16
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, Ada Lucille Williams was born on February 29, 1924 in Vicksburg, Mississippi, to proud parents, Robert and Flora (Bass) Williams; and

WHEREAS, Ada Lucille Williams married James Louis Williams (deceased) on September 2, 1942. They had nine (9) children. She is the proud grandmother of nineteen (19) grandchildren, fourteen (14) great-grandchildren and five (5) great-great grandchildren. James and Lucille migrated from Vicksburg to Niagara Falls, New York in March of 1948. She joined New Hope Baptist Church where she participated in the missionary society and other church auxiliaries. She is a founding member of the Mt. Zion Missionary Baptist Church; and

WHEREAS, Ada Lucille Williams raised and nurtured not only her own children, but her grandchildren, her relatives and others in the community. Ma Williams, as she is affectionately known as, enjoyed babysitting for her neighbors. She also found time to participate in the March of Dimes and Muscular Dystrophy campaigns. She was also active in the Center Avenue Parent Teachers Association and enrolled in its enrichment courses; and

WHEREAS, the Williams home served as an "oasis" for those migrating from the South in search of a better quality of life. She and her husband nurtured and sheltered several relatives and others from the South, until they were capable of providing for themselves. Their home was one where people could stop by for a meal or friendly counsel; and

WHEREAS, it is her culinary skills, child care capabilities and her encouraging spirit that has made her home a magnet for which many are drawn to.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, does hereby celebrate a true black pioneer. Ada Lucille Williams is a virtuous woman, a professional homemaker, a positive role model, counselor and friend. We wish her a Happy 92nd Birthday and hope that she is blessed to see many more.

Yeas

5

Nays

0

ADOPTED

Council Member Grandinetti seconded the Item to be added to the Agenda.

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

Carol A. Antonucci
City Clerk



FEBRUARY 8, 2016
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the February 8, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:06 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Council Member Walker moved to approve the Minutes from the Organizational Council Meeting of January 1, 2016 and the Council Meetings of January 11 and January 25, 2016.

Yeas
Nays

5
0
APPROVED

Community Development Director Seth Piccirillo spoke on the 2016 Home Ownership Auction. He said that this will be the third Home Ownership Auction and the largest so far. He spoke on the guidelines for the Program, and informational sessions that would be held for those interested in bidding at the Auction.

In the Administrative Update:

1. Mayor Paul Dyster said that Elaine Timm is the new City Historian, and he thanked Michele Kraats, Chris Stoianoff and Paul Gromosiak for their offers to assist her.
2. Mayor Dyster also reported that interviews are being conducted for the position of City Engineer.
3. City Administrator Donna Owens informed the Council Members that an update on the parking meters and the City's website development would be given at the February 22 Council Meeting. Also, the Mayor's State of the City Address will be held at the Conference Center on Thursday, February 25 at 6 PM.

Chairman Touma questioned the amount for the renewal of the Engineering Consulting Agreement with Clark Patterson Lee (Agenda Item #5), and asked if the amount could be reduced in anticipation of the hiring of a City Engineer. Mayor Dyster explained the process for hiring a Consultant for the City is such that the Consulting firm is changed every 4 or 5 years in order to give different firms the opportunity for the City's business. Council Member Scott inquired about the amount of overtime used in the Engineering Department, and Council Member Tompkins asked for a report showing the amount paid to the consultant on a monthly basis during 2015. Civil Engineer Robert Buzzelli said that he felt that \$50,000 would be adequate to cover the consultant's fees for 2016, in addition to the \$25,000 that is already in a budgeted line for the consultant. Mayor Dyster agreed to reduce the amount for the Consultant Services Agreement from \$94,000 to \$50,000.

Council Member Walker moved to amend Agenda Item #5 to show the amount as \$50,000.

Yeas

5

Nays

0

MOTION TO AMEND APPROVED

Deputy Corporation Counsel Chris Mazur explained the amendments to Chapter 171 of the Codified Ordinances entitled "Administrative Ordinances" (Agenda Item #13).

Mayor Dyster thanked Mr. Mazur for his "laymen's terms" explanation.

Sherry-Shepherd-Corulli asked that the Council extend her Agreement for Grant Writing Services (Agenda Item #6), and noted that she had administered approximately \$10.5 Million Dollars in Grants for the City. Mayor Dyster added that she has done a great job.

Chairman Touma reported that the Council's Executive Assistant had been able to make contact with a person in Canada regarding the noise issue in the DeVeaux area made by helicopters, and a meeting would be set up to discuss the issue.

Chairman Touma also reported that he had spoken to a person in Cooperstown regarding parking issues and their use of parking meters, and he would share the information with City Administrator Donna Owens.

Council Member Scott had questions about the Construction Agreement with CSX (Agenda Item #3) and his questions were answered by Acting Director of Planning/Economic Development Thomas DeSantis and Sr. Project Designer Michael DeSantis.

City Controller Maria Brown spoke on closing out 2015, and noted that bed tax was down slightly, the ramps and surface lots did well, and the Golf Course is still not self-sustaining.

Mayor Dyster thanked the Council Members for their support for NIMAC.

This Session ended at 6:15 PM

Chairman Touma reconvened the Meeting at 6:35 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Tompkins and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Ron Anderluh	Agenda Items #5, #6, #9, #10
Diane Tattersall	Work session was good and informative; condition of Portage Rd. between Ferry and Niagara Aves.
Mary Lawton	Agenda Items #9, #10, #13
Bob Belton	Availability of variance report
Ken Hamilton	Agenda Items #10, #12
Ron Anderluh	Thanked Chairman Touma for obtaining information from other municipalities on Parking Meters; Parking revenues; meters need to be installed ASAP
Dan Davis	Development of Cultural District
Carol Hamm	Oppose to Agenda Item #12
Ken Hamilton	Need for City sponsored Youth/Community Center possibility at the Duke Center; thanks to Council Member Grandinetti for help in naming City Streets after African Americans; Placement of statue in traffic circle is safety issue; Safety issue on street at Main Post Office; Unsafe parking at Norlock Park

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF JANUARY 2016

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: LASALLE LIBRARY HISTORIC SIDE DOOR REPLACEMENT, SICOLI CONSTRUCTION SERVICES, INC.

Agenda Item #2

A contract for the above referenced project was awarded to Sicoli Construction Services Inc., 4800 Hyde Park Blvd., Niagara Falls, NY, on September 15, 2015 in an amount of \$16,800.00.

The front entrance door hardware does not worked properly and prevents unlocking and entry into the building. The Contractor will change out the existing door hardware under this contract which will allow the City to be reimbursed 50% of the cost under the New York State Library Public Grant Program No. 0386-15-5720.

The total cost of all the additional work is \$546.00 bring the contract total to \$17,346.00

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$546.00 be approved. Sufficient matching funds were approved by City Council at its June 23, 2014 meeting.

Will the council vote to so approve?

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

Yeas

4

Grandinetti, Scott, Tompkins, Walker

Nays

1

Chairman Touma

APPROVED

Chairman Touma said the door lock has been an issue since installation and he doesn't think the City should be responsible for fixing it.

CONTRACT: CSX TRANSPORTATION, INC., CONSTRUCTION AGREEMENT AMENDMENT

Agenda Item #3

In 2008 the City entered into a Construction Agreement with CSX Transportation, Inc. regarding rail work related to the reconstruction of the rail bridges over Main Street and the new Amtrak passenger station.

Attached (on file in the City Clerk's Office) is a proposed first amendment to this agreement related to work to finalize the rail connections between the rail work done by City contractors and the CSX rail system.

Funding for this is included in the project budget for the train station project.

Will the Council so approve and authorize the Mayor to execute the attached 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

MIS DEPARTMENT: TEMPORARY PAYROLL LINE, FUNDING

Agenda Item #4

The Director of the MIS Department is requesting that the sum of \$2,692.00 (inclusive of FICA) be transferred from the Department's Consultant line to the Department's Temporary Payroll line. This will permit the Department to hire a temporary employee to process the Niagara County Tax bills as well as accomplish internal training of personnel.

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: ENGINEERING CONSULTING SERVICES AGREEMENT, RENEWAL, CLARK PATTERSON LEE

Agenda Item #5

The City is in the process of attempting to recruit a full-time City Engineer. While the recruitment process has commenced, the process has not yet resulted in the City hiring a full-time City Engineer. Therefore, it is recommended that the City continue to use CPL as needed. Assuming the City is successful in recruiting and hiring a full-time City Engineer, it is anticipated that the services of CPL will continue to be needed on occasion during the transition period.

Attached hereto (ON FILE IN THE City Clerk's Office) is a copy of the CPL Consulting Services Agreement which details the scope of work and rate schedule which calls for a "not to exceed" fee of \$50,000.00.

Funding at this time is available from the Engineering Department biweekly budget line as well as its Consultant budget line.

Will the Council so approve and authorize the Mayor to execute any documents required to effectuate this consulting services agreement which will be in form and content 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

Amendment is to change the amount to \$50,000.00

Chairman Touma thanked the Mayor for agreeing to reduce the amount.

CONTRACT: GRANT WRITING SERVICES

Agenda Item #6

The last few years, inclusive of year 2015, the City entered into a non-exclusive Consulting Agreement with an individual to provide grant writing and grant administration services to the City. This arrangement has proven very beneficial to the City. It is recommended that for calendar year 2016 the City extend the 2015 agreement with that same individual to provide those services. All terms and conditions are the same. Attached (on file in the City Clerk's Office) is a copy of the 2015 agreement together with a communication from the consultant requesting an extension. The fee for those services is not to exceed \$35,000.00. Funding is available from the 2016 adopted budget.

Will the Council so approve and authorize the Mayor to execute an agreement with the grant writer 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

CITY CONTROLLER: BILLING AND COLLECTION DEPARTMENT: REORGANIZATION

Agenda Item #7

The City Controller is requesting that an unfilled Billing and Collection Clerk Position be changed to the title "Finance Clerk". This title already exists. The salary is the same and is a Grade 7 classification as is the unfilled Billing and Collection Clerk position.

When this position is filled, the change in title will allow the person serving as Finance Clerk to work in Parking Violations as well as in the Finance Department in addition to the Billing and Collection Division. It will provide more flexibility depending upon which divisions of the Controller's Office are the busiest. This will also assist in the City Controller's initiative to cross-train employees as needed.

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: RETIREE GROUP HEALTH BENEFITS PROGRAM, BPAS

Agenda Item #8

The City Controller is recommending that the City retain the services of BPAS to perform actuarial services required pertaining to the City's retiree group health benefits program. There are two Service Agreements in connection with this matter. The first will allow BPAS to provide interim actuarial valuation services for year ending December 31, 2015 as described in the fee schedule for an agreed upon fee of \$2,000.00 while the other agreement will allow BPAS to perform actuarial valuation services for the fiscal year ending December 31, 2016. Attached (on file in the City Clerk's Office) is the fee schedule for these services which shows a fee due of \$8,200.00 for a total one year period. The total fees to be paid to BPAS are \$10,200.00

Funding is available in the City Controller's budget. Attached (on file in the City Clerk's Office) hereto are copies of both Service Agreements.

Will the Council so approve and authorize the Mayor to execute the service agreements provided the same are 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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

BENEFITS OF EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS, ORDINANCE AMENDMENT, MAYOR'S APPROVAL

Agenda Item #9

Please be advised that, Mayor Paul A. Dyster, on January 26, 2016, duly approved the following:

Resolution 2016-4, relative to amending Chapter 171.01 of the Codified Ordinances entitled "Benefits of Employees not covered by Collective Bargaining Agreements."

THIS ITEM WAS RECEIVED AND FILED

BENEFITS OF EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS,
CONSIDERATION OF MAYOR'S VETO

Agenda Item #10

Please be advised that Mayor Paul A. Dyster, on January 26, 2016, Vetoed the above mentioned Resolution.

Shall the Council consider the override of the Mayor's Veto of Resolution 2016-5, relative to amending Chapter 171, Section .05a Health Insurance entitled "Benefits of Employees not Covered by Collective Bargaining Agreements"? (attachments on file in the City Clerk's Office)

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

Yeas	3
Grandinetti, Tompkins, Touma	
Nays	2
Scott, Walker	

MAYOR'S VETO IS SUSTAINED

Council Member Grandinetti said this is a Council decision and it is not within the Mayor's purview to act on this.

Council Member Scott suggested looking into eliminating or reducing the Opt Out amount for elective officials.

Council Member Tompkins said that while he sponsored this change, he was forced to take the insurance by circumstances beyond his control.

Council Member Walker said an incentive is needed to attract the best and brightest for Public Office and if this is made available to him it should also be made available to those who serve after him.

Chairman Touma said we need to bring awareness to the costs for health care and look for long term savings for the taxpayers. The Mayor negotiates with the Unions and this should be looked at. He does not believe that taking away this benefit will deter future candidates for office.

RESOLUTION: SCHOOL BOARD ELECTION, POLLING PLACES, 2016-17
BY: ALL COUNCIL MEMBERS

Agenda Item #11

WHEREAS, the annual Niagara Falls City School District election will be held on Tuesday, May 17, 2016; 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 does hereby approve the request outlined in the attached (on file in the City Clerk's Office) letter from the Niagara Falls City School District.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: NELSON, KAREN J., HONORING
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #12

THIS ITEM WAS PULLED FROM THE AGENDA.

THERE WAS NO ACTION TAKEN ON THIS ITEM.

Agenda Item #13

Please find the attached proposal which seeks to amend Chapter 171 of the City's Codified Ordinances concerning exempt employees. The first proposed change, found in Chapter 171.09(c), concerns the eligibility for health and dental insurance benefits by employees meeting the requisite age and years of service requirement upon separation of service with the City. The use of the word "separation" in the proposed amendment will provide for clarity and continuity in interpretation as this word is utilized in other sections of the exempt ordinance (particularly Chapter 171.05 (d)).

The proposed amendment of Chapter 171.12, dealing with severance pay, is necessary to close the loophole where employees who were receiving the recruitment incentive (provided for in Chapter 171.13) were utilizing it in order to meet the eligibility for unemployment benefits while also receiving severance pay upon separation from the City. The amendment will prevent employees from utilizing the recruitment incentive as a way to secure eligibility for unemployment benefits.

Lastly, the administration proposes amendments to Chapter 171.13(b) and (c), dealing with recruitment incentives. The proposed amendment to Chapter 171.13(b) would include individuals hired for director level positions, thereby expanding the definition of those employees eligible to receive recruitment incentives. This extension of the recruitment incentive will allow the City to continue to entice executive level talent for positions with the City. The proposed change to Chapter 171.13(c) is nothing more than a simple grammatical change.

Will the Council so approve?

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 171 of the Codified Ordinances entitled "Administrative Ordinances" is hereby amended by amending Sections 171.09, 171.12 and 171.13 to read as follows:

171.09 [RETIREMENT] SEPARATION FROM SERVICE.

. . .

c. Upon [retirement] separation, the City will continue to pay for the health and dental insurance provided in Section 171.05(a) that the employee was receiving on the date of [retirement] separation where the employee's years of service plus age equals seventy (70); however, employees commencing employment with the City after October 2, 2007 must also have a minimum of ten (10) years of employment with the City in order to be eligible for continuing health and dental insurance benefits upon [retirement] separation.

. . .

171.12 SEVERANCE PAY

. . .

d. Payment of City severance pay will only be made when the terminated employee demonstrates that a claim for New York State Unemployment Insurance has been denied on the basis that the services of said employee fall within the exclusion set forth within subdivision (2)(e) of Section 565 of the New York State Labor Law. Employees with over ten (10) years of actual, continuous service with the City [or a similar benefit conferred pursuant to Section 171.13 (b)], specifically excluding any benefit conferred pursuant to Section 171.13 (b) below, are exempted from the requirements of this subsection.

171.13 RECRUITMENT INCENTIVES.

. . .

b.A person hired as a department head or director may, at the discretion of the City Administrator or a person hired as City Administrator may, at the discretion of the Mayor, be granted fringe benefits and rights which take into account the person's previous professional experience, the years of experience as specified in the applicable job description and as necessary to recruit desired candidates for the position; however, such credit for fringe benefits and rights shall not exceed a level consistent with a 10 year employee as prescribed under this chapter. After initial appointment, all rights and benefit levels will be deemed cumulative as they relate to any subsequent yearly accruals and benefits as defined in sections 171.02, 171.05 (b) and 171.12 above. Notwithstanding the above, the initial granting of sick leave by the City Administrator shall not exceed ten (10) days.

The City Administrator or Mayor shall provide notice to the Human Resources department in writing of such determination.

c.All other such employees may, at the discretion of the City Administrator, be granted up to two (2) week's vacation and/or ten (10) days sick leave, during his/her first year of employment. Subsequent yearly accruals will be administered according to sections 171.02 and 171.04. The City Administrator shall provide notice to the Human Resources department in writing of such determination.

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

Yeas
Nays

5
0
ADOPTED

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

Carol A. Antonucci
City Clerk

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