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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
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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

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Nays

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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

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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

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Nays

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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

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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

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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

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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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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
---	--------------------------------------

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



FEBRUARY 22, 2016
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the February 22, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:07 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 February 8, 2016.

Yeas

5

Nays

0

APPROVED

In honor of Black History Month, two students from the LaSalle Prep School National Jr. Honor Society read their essays on "What Freedom Means To Me", and the Council Members presented City of Niagara Falls pins to them.

RESOLUTION: THOMAS, WADE, REVEREND, HONORING, 2016-19
BY: ALL COUNCIL MEMBERS

Agenda Item #30

WHEREAS, Reverend Wade Thomas was born in Montgomery Alabama on November 11, 1924. He was the youngest son and fifth child born to Rayfield and Mary Thomas; and

WHEREAS, in 1947, Mr. Thomas moved to the city of Niagara Falls after his marriage to the former Miss Lola Mae Paige, they were blessed with two children. First born was a daughter named Ms. Juliette M. Thomas and later a son, Nelson W. Thomas; and

WHEREAS, Reverend Wade Thomas served in the United States Army from 1942 to 1945, his service helped protect the City of Niagara Falls and the whole United States of America; and

WHEREAS, Reverend Wade Thomas was ordained into ministry in 1955 by Pastor William White, Sr. of the Bethesda Full Gospel Church in Tonawanda, New York; and

WHEREAS, in the fall of 1957, through prayer and the study of god's word, became the roots of "Bethlehem Revival Temple;" Reverend Wade Thomas, Mother Lola Thomas, Deacon Joseph Bowns, and Sister Nazzie Ree Bowns. The group matured and eventually moved from the homes to the basement edifice that was located at 1912 Maryland Avenue, Niagara Falls, New York; and

WHEREAS, the group continued to grow and the first church building was built May 17, 1963, at 2010 Virginia Avenue, Niagara Falls, New York. As the lord added to the congregation, Reverend Thomas was lead to add an additional church building, built in 1975 at this location. The "Church in the Basement" was becoming more visible as he stayed true to his mandate; and

WHEREAS, throughout his ministry, Reverend Wade Thomas became the first African American to broadcast in this area. The radio and television broadcast was called "Good News". Reverend Thomas was also the founder of a quartette group called *The Songs of Joy*, and

WHEREAS, Reverend Thomas was a member of the Ministerial Council of Niagara Falls, New York. Reverend Thomas helped out with many youths in the community.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby honor the memory of Reverend Wade Thomas and his many contributions to our great city through his ministerial work.

BE IT FURTHER RESOLVED, that signs saying "Reverend Wade Thomas Way" be placed underneath the street signs at Virginia Avenue & 20th Street and Hyde Park Boulevard & Virginia Avenue, in honor of Reverend Wade Thomas.

Yeas

5

Nays

0

ADOPTED

Council Member Scott read the Resolution, and the Council Members presented a copy to Rev. Thomas' family members who were present, and the family thanked the Council for honoring Rev. Thomas.

Fire Chief Tom Colangelo and Superintendent of Police Bryan DalPorto spoke on the number of recent fires that were set in garbage totes in alleyways. They said that the matter is being investigated, and those involved will be prosecuted. They asked that residents be mindful of placing the totes too close to their houses/garages.

Acting Director of Planning and Economic Development Thomas DeSantis introduced Sara Capen, Executive Director of the Niagara Falls National Heritage Area. She spoke on the Underground Railroad Interpretive Center, exhibits at the Center and other sites, and related activities, including the Hop On/Hop Off Shuttle which will run between several sites in the City and surrounding areas. Council Member Grandinetti asked that Ms. Capen return in the Fall to give the Council an update.

Community Development Director Seth Piccirillo reported that the sale of the former South Jr. Building has been completed, and the Niagara City Loft Project will move forward. The Project will generate taxes for the City, and be done by local union laborers being paid prevailing wages. He also spoke on the purchase of various properties on Fourth Street by the City (Agenda Item #8), and gave a presentation on their development for use. The development of the properties will include lighting, landscaping and fencing in the area.

Mr. Piccirillo and Mayor Paul Dyster also spoke on the acquisition of the Main Street and Third Street properties that were formerly owned by Dr. Mehta (Agenda Item #7). Director of Business Development Anthony Vilardo added that the properties were scheduled for demolition, but an RFP will be prepared for the development of the properties, either individually or as a whole parcel. Mr. Vilardo thanked Corporation Counsel Craig Johnson for his work in acquiring these properties as part of the Plea Deal for Dr. Mehta.

Mayor Dyster noted that the above Presentations were on Projects that were a positive addition for the City, and thanked MIS Director Joseph Morock and his staff for their work in setting up the monitors and related equipment for Presentations in the Council Chambers.

Mayor Dyster introduced Elaine Timm, the new City Historian, and she said she is excited to begin her work.

City Administrator Donna Owens announced that the Mayor's State of the City Address will be held at the Conference Center on Thursday, February 25, at 6 PM, and invited all to attend.

Corporation Counsel Craig Johnson distributed copies of three amendments to Agenda Items, and an Item to be added to the Agenda:

1. An Amendment to Agenda Item #5, relative to funding for the development of a new City Website.

Council Member Grandinetti moved to amend the Item by changing the source of funding.

Yeas

5

Nays

0

MOTION TO AMEND APPROVED

2. An Amendment to Agenda Item #8, relative to the sale of 428, 432, 446, 460 and 462 Fourth Street.

Council Member Grandinetti moved to amend the Item by adding the recommendations of the Planning Board.

Yeas

5

Nays

0

MOTION TO AMEND APPROVED

3. An Amendment to Agenda Item #25, relative to approval of actions relative to the In Rem Properties.

Council Member Grandinetti moved to amend the Item by including a property on Garden Avenue on the list.

Yeas

5

Nays

0

MOTION TO AMEND APPROVED

4. A Resolution relative to proclaiming March 2016 as "Colorectal Cancer Awareness Month"

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

Yeas

5

Nays

0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #31.

Council Member Walker asked about the status of the new phone system, and Purchasing Director Johnny Destino responded that the hardware is being programmed, and should be delivered in a day or so.

The Council Members had several questions on Agenda Item #2, relative to on-street parking meter installations. The main concern was that there was no Plan in place for the collection and distribution of revenue from the meters, and staff requirements for servicing the meters. Mayor Dyster responded that these issues would be addressed "in house" in the beginning, and that the net revenue was more important than the gross revenue received. Council Member Grandinetti suggested bringing in an outside company to run the program for the first year just to get the system up and running. Council Member Tompkins said that all costs need to be included, and he needs more information before voting to approve this. Mayor Dyster said that the Agenda Item only covers the purchase of the system, and City Controller Maria Brown added that the funds had been set aside previously. She also suggested that expenses should be calculated before the parking rates are set. Chairman Touma noted that other Cities have done oversight of their parking systems "in house".

Council Member Scott said that a Plan needs to be put in place for the remaining Casino Funds.

Council Member Grandinetti asked the City Administrator to provide an update at another Council Meeting on the City's application to the State of New York Financial Restructuring Board.

This Session ended at 6:50 PM

Chairman Touma reconvened the Meeting at 7:05 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Ron Anderluh	Agenda Item #2
Diane Tattersall	Agenda Item #2
Frank Soda	Agenda Item #27
Colleen Larkin	Agenda Items #2, #5, #27
Robert Ventry	Agenda Item #2
Ken Hamilton	Agenda Items #2, #27
Jamie Caldwell	Agenda Item #2
Jeff Flach	Agenda Item #2
Vince Anello	Agenda Items #2, #27
Dan Davis	Use Train Station to showcase local history
Bob Pascoal	Comprehensive plan did not include Methadone Clinic
Sheila Zuni	Against opening Methadone Treatment Clinic in her neighborhood
Norma Higgs	Against opening Methadone Treatment Clinic in her neighborhood
Ken Hamilton	Financial responsibility
Roy McDowell	Parking Plan is needed
Jeff Flach	Health care cost savings
Vince Anello	Give report on outstanding issues at each Council Meeting; follow Roberts Rules of Order at Council Meetings
Jeff Black	Lockport & Portage Rds. conditions; plowing issues; Miscellaneous issues

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S 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: PARKING METER INSTALLATIONS, BER-NATIONAL AUTOMATION, INC.

Agenda Item #2

The following were the result of bids received on February 2, 2016 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT.1</u>	<u>ALT.2</u>
Ber-National Auto.Inc. 1137 East Main Street Rochester NY 14609	\$257,950.00	\$58,580.00	\$38,660.00
T2 Systems	\$312,672.72	-	-
Cale America	\$349,032.00	\$64,798.26	\$38,880.40

After a thorough review of all the participants' proposals, qualifications and submittal information, it was determined that the firm Ber-National Automation, Inc. was the lowest qualified and responsible bidder. To that end, it is the recommendation of the undersigned that this project be awarded to Ber-National Automation, Inc. at their total bid of \$355,190.00. Funding will be made available from Casino funds to a dedicated capital code entitled: Parking Meter Program H1316.2013.1316.0449.599.

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

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

DEFEATED

Chairman Touma and Council Member Walker both said more information on costs is needed.

CITY PROPERTY: 250 RAINBOW BLVD., ENCROACHMENT

Agenda Item #3

A restaurant is proposed to open on the ground floor of the Jefferson apartment building located at the corner of Rainbow Boulevard and Third Street. Shawn Weber, one of the owners of the building, is cooperating with the operator of the restaurant, and wishes to install a sign on the building which will encroach into the City right-of-way. Attached (on file in the City Clerk's Office) are diagrams showing the location of this sign. During its meeting on February 10, 2016, the Planning Board recommended approval of this encroachment request. Attached (on file in the City Clerk's Office) hereto is a copy of the Planning Board recommendation. Conditions are attached to the Planning Board's recommendation.

Will the Council so approve this request with the conditions imposed by the Planning Board?

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

Yeas	5
Nays	0

APPROVED

MIS DEPARTMENT: CARPETING, FUNDING

Agenda Item #4

The Director of MIS advises that it is necessary to replace the carpeting in their offices, as it is worn and poses a safety issue.

Three estimates were obtained and Paynes Carpeting was the lowest estimate. This estimate is in the amount of \$4,785.00. Funding is available from casino interest.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

Chairman Touma said the Department was flooded and there was mold in the carpeting.

CITY WEB SITE, DEVELOPMENT, FUNDING

Agenda Item #5

The Director of MIS is requesting that the sum of \$32,000.00 be transferred from Internal Service Fund for telephone expenses to MIS department account A.1680.0000.0449.599. The purpose of this transfer is to help pay the cost of the development of the new City web site. Casino revenues were utilized to fund the Internal Service Fund and therefore it is requested that the Council approve the transfer of these casino revenues to the MIS department code mentioned 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

Amendment is to change source of funding.

CONTRACT: MAPLE AVE. BASEBALL DIAMOND, BACKSTOP/FENCING, DAVIDSON FENCE

Agenda Item #6

The Acting Director of Public Works advises that it is necessary to remove the existing fence, backstop and dugout concrete and replace those items. Bids were solicited and there were two (2) responses. It is recommended that the City enter into a contract with Davidson Fence Inc. to perform the required work for a total price of \$19,650.00. Attached (on file in the City Clerk's Office) is the estimate from Davidson Fence Inc.

Funding is available from Tourism Fund Balance.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CITY PROPERTIES: 550 MAIN ST., 557, 565, 571, 569 THIRD ST.,
ACQUISITION

Agenda Item #7

The above referenced properties are presently owned by Malina P. Mehta, wife of Praven Mehta, M.D. Praven Mehta was a medical doctor and has pled guilty to various counts of unlawful distribution of controlled substances and has been sentenced to jail and a fine of \$500,000. As part of the plea negotiations entered into by and between the United States Attorney's Office and Dr. Mehta's attorney, Malina P. Mehta has agreed to forfeit the above referenced properties and deed them directly to the City of Niagara Falls for no consideration.

Title work is being done to make certain that title to the above referenced properties is clear. Attached (on file in the City Clerk's Office) are copies of surveys for most of the parcels as well as information on file in the City Assessor's Office.

The City has a strong interest in advancing the greater good of the community, protecting the public health, safety and environment and ensuring that neighborhoods are places where people want to live and business owners wish to invest. The above properties are in an important location in the City. Much state, local and private sector investment has taken place in the Third Street area in recent years where these properties are located including public realm infrastructure improvements. This area is undergoing a concerted urban revitalization effort by the City and its state and local partners and is expected to drive significant private sector commercial and residential development.

Recently, local developers have purchased nine (9) vacant properties which represent in excess of 1.7 million dollars in acquisition and renovation investment. In addition to revived commercial spaces, the area has seen over twenty (20) new market rate apartments made available on Third Street.

Upon taking title to these properties, it would be the City's intention to solicit requests for proposals to seek private sector individuals and/or entities to develop some or all of these properties while possibly retaining one or more for municipal purposes.

The City has not sought appraisals on these properties. The assessed values total \$184,500. There are unpaid School, County and City taxes as well as unpaid water bills which total approximately \$8,000.00. This City is responsible to pay these unpaid bills as well as incidental closing costs which will total approximately \$3,000.00. The Business Development Director, the Director of Community Development, as well as the Acting Director of Planning and Economic Development believe this is money well spent to acquire these properties which are prime development properties.

The Planning Board reviewed this request for acquisition during its meeting on February 10, 2016 and recommended that the City Council approve the acquisition of these properties.

Will the Council so approve and authorize the Mayor to execute any documents required to acquire these properties which are in form and content acceptable to the Corporation Counsel?

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

Yeas
Nays

5
0

APPROVED

CITY PROPERTY: 428, 432, 446, 460 AND 462 4TH ST., SALE

Agenda Item #8

The administration requests Niagara Falls City Council approval of the sale of the following city owned parcels to Ellicott Development Company (EDC):

Properties	Assessed Value	EDC Proposed Price
460-462 4th St.	\$3,700	\$30,000
428-432 4th St.	\$3,600	\$9,000
446 4th St.	\$1,400	\$5,500
Total	\$8,700	\$44,500
Less: Consideration for demolition and asbestos/lead abatement (460 4th St.)		(\$27,000)
NET PURCHASE PRICE		\$17,500

The Niagara Falls Planning Board unanimously recommended the sale of these parcels to the Niagara Falls City Council at its January 11, 2016 meeting. Attached (on file in the City clerk's Office) hereto is a copy of the Planning Board recommendation. EDC is a property management, leasing and development firm that is responsible for the management of over 1,500,000 square feet of office space in Downtown Buffalo, over 1,000,000 square feet of retail space throughout New York and Western Pennsylvania, eight major hotels in the Western New York, as well as over 550,000 sq. ft. of residential apartments, condominiums and townhomes in the Buffalo/Niagara region. EDC's local holdings include the Giacomo Hotel at 222 1st Street and 473 3rd Street, 606 6th Street, in addition to new purchase activity.

EDC is investing in the 3rd Street Commercial District, and the purchase of these ancillary properties will strengthen potential economic impact. In 2015, EDC purchased the former Niagara Gazette Building (310 Niagara Street) which includes the parking lot at 418-426 4th Street. EDC then created an agreement to relocate the Niagara Gazette offices to 473 3rd Street, which is also owned by EDC. This ensures that approximately 40 Niagara Gazette employees remain in downtown Niagara Falls.

EDC is requesting to purchase these parcels to support both the renovation/development of 310 Niagara Street and business operations at 473 3rd Street. EDC will convert 460-462 4th Street to off-street parking for employees/customers of 473 3rd Street. 428, 432, and 446th Street will be maintained as part of the larger development of 310 Niagara Street (former Niagara Gazette Building). EDC has also agreed to include public parking access at 418-424 4th Street, off peak hour public parking access at 460-462 4th St and landscaping the 4th Street frontage of all aforementioned parcels as part of this sale agreement. Upon Niagara Falls City Council approval, the City of Niagara Falls Legal Department will draft a sales agreement that outlines the city's expectations of EDC for both parking access and landscaping.

Public and residential parking is a pressing issue on both the 400 and 500 blocks of 3RD Street. As new businesses open and market rate apartments are added, available on-street and parking lot spaces diminish. This problem is compounded during an ever expanding tourism season. Off street parking along the 3rd / 4TH Street alley is a logical and preferred solution. The City of Niagara Falls purchased 425 3rd Street, with Niagara Falls Planning Board approval, earlier this year to act as a pedestrian connection between the 3rd Street Commercial District and off street parking. EDC's purchase proposal will provide public parking access at 418-424 4th Street, which is already lit and paved, as well as a new parking option at 460-462 4th Street. In addition to returning five city owned properties to the tax roll and eliminating blight, this transfer offers a forward thinking and cost effective solution to some of the district's parking concerns.

The sale of these properties is part of larger, and vitally important, development initiatives in the downtown core. In 2012, the City of Niagara Falls Community Development Department was awarded a Western New York Regional Economic Development Council grant for the Downtown Niagara Falls Stabilization Project. Targeted demolitions of blighted structures on 4th Street, bordering the 3rd/4th Street alleys, was a grant component. The City of Niagara Falls demolished these blighted structures in order to support the private sector's purchase and renovation of vacant and under-utilized buildings along 3rd Street. Simply put, the strategy is working. In the past four years, 435 3rd Street, 444 3rd Street, 451 3rd Street, 460 3rd Street, 463 3rd Street, 231 Ferry Avenue and 539 Main Street have been purchased and renovated by local developers for market rate residential/commercial use. The addition of EDC as the developer of 310 Niagara Street, with its impressive renovation/management track record at the Giacomo Hotel, only adds to the ongoing success of the 3rd Street Commercial District. Based on contract review, the City of Niagara Falls deems the \$27,000 estimate for the demolition of 460 4th Street to be fair and reasonable. The Niagara Falls Community Development's average per structure demolition cost, including asbestos abatement, is \$24,000. Analysis of the 2013 demolition contract that included 4th Street demolition determined that dollar amount.

The City of Niagara Falls has a responsibility to address parking, pedestrian access, blight clearance and neighborhood walkability in a responsible and timely manner. Focusing on private sector partnership, the administration presents the sale of 428, 432, 446, 460 and 462 4th Street as a needed and valuable solution.

Will the Council find that the best interest of the City shall be subserved by dispensing with a sale of 428, 432, 446, 460 and 462 4th Street at public auction, approve the sale of 428, 432, 446, 460 and 462 4th Street to EDC on the terms described herein, and authorize the Mayor to enter into subsequent legal agreements, once the aforementioned material items are satisfied and are in form and content satisfactory to the Corporation Counsel and sign deeds of conveyance and ancillary documents?

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

Yeas

5

Nays

0

APPROVED

Amendment is to include recommendations of the Planning Board.

CONTRACT: ABANDONED VEHICLES, REMOVAL, SATARIAN AUTO PARTS

Agenda Item #9

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

TO: Satarian Auto Parts
4250 Witmer Road
Niagara Falls, NY 14305

FOR: Removal of abandoned vehicles within the City of Niagara Falls,
New York
\$101.00/vehicle to be paid to the City

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eight (8) vendors. Two (2) bids were received. In addition to Satarian Auto Parts, Pages Automotive & Towing, Inc. submitted a bid (\$100.00 per vehicle) to be paid to the City. After reviewing each bid we determined that Satarian Auto Parts submitted the highest price to be paid to the City.

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

ASSESSOR OFFICE: REALIGNMENT OF STAFF

Agenda Item #10

A retirement of the Real Property Appraiser has allowed for the reallocation of job duties and the following changes are proposed in the Assessor's Office expense account A1355.0000.0110.00

Assessor Administrative Aide, currently a grade 12 at a salary of \$38,589.28

Proposed grade 13 with a salary of \$39,674.49.

Difference of \$1,085.21.

Assessor Technician position with a 2015 budgeted salary of \$34,506.56.

Proposed stipend of \$2,500 stipend.

Senior Assessor Data Clerk, currently a grade 9 with a salary of \$36,918.58.

Proposed grade 10 with a salary of \$37,821.33.

Difference of \$902.75.

The realignment will result in an increase of \$5,549.00 annually, inclusive of all fringe costs.

Funding is available through A.1990.7630.0449.599 Contingency A/C

Will Council so approve?

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

Yeas

3

Grandinetti, Walker, Chairman Touma

Nays

2

Scott, Tompkins

APPROVED

Chairman Touma said the Assessor had shared information with him & other Council Members on this.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

2433 WOODLAWN AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #11

At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2433 WOODLAWN AVENUE

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

Submitted By: Joanne Artymowicz, on behalf of her mother, Nancy Dinardo, 2433 Woodlawn Avenue

It is requested that City Council approve this recommendation. Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
APPROVED	

538 MEMORIAL PKWY., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #12

At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 538 MEMORIAL PARKWAY

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

Submitted By: Helga Hickman, 538 Memorial Parkway

It is requested that City Council approve this recommendation. Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
APPROVED	

3022 ORLEANS AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #13

At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 3022 ORLEANS AVENUE

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

Submitted By: Jean Stewart, 3022 Orleans Avenue

It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and
filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

2473 CUDABACK AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #14

At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2473 CUDABACK AVENUE

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

Submitted By: Mae Stallworth, on behalf of her mother, Pearl Lewis,
2473 Cudaback Avenue

It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and
filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

1129 LASALLE AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #15

At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1129 LASALLE AVENUE

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

Submitted By: Sarah Handley Turk, 1129 LaSalle Avenue

It is requested that City Council approve this recommendation.
Council Member Grandinetti moved that the communication be
received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

529 16TH ST., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #16

At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 529 16TH STREET

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

Submitted By: Margaret Mitchell, 529 16th Street, Apt. 1

It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
APPROVED	

56TH ST., INSTALL "NO STANDING ANYTIME" RESTRICTION, WEST SIDE, FROM GOODYEAR DR. TO APPROXIMATELY 80' NORTH

Agenda Item #17

At a Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL "NO STANDING ANYTIME" RESTRICTION ON 56TH STREET, WEST SIDE, FROM GOODYEAR DRIVE TO APPROXIMATELY 80' NORTH

This will allow for increased sight distances for tractor trailers exiting Goodyear's facilities of southbound traffic on 56th Street.

Submitted By: Richard Collins, Manager of Engineering, Goodyear Tire & Rubber Company, Niagara Falls Plant, 5500 Goodyear Drive

It is requested that City Council approve this recommendation.
Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
APPROVED	

HIGHLAND AVE., INSTALL A) "15 MINUTE PARKING" RESTRICTION ON THE WEST SIDE BETWEEN CENTER AVE & EASTON DR; AND ON THE EAST SIDE BETWEEN GARDEN AVE. & CALUMET AVE.; B) "NO STANDING ANYTIME" RESTRICTION ON THE EAST SIDE BETWEEN CENTER AVE. & GARDEN AVE.

Agenda Item #18

At a Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL ON HIGHLAND AVENUE: A) A "15 MINUTE PARKING" RESTRICTION ON THE WEST SIDE BETWEEN CENTER AVENUE & EASTON DRIVE; AND ON THE EAST SIDE BETWEEN GARDEN AVENUE & CALUMET AVENUE; B) "NO STANDING ANYTIME" RESTRICTION ON THE EAST SIDE BETWEEN CENTER AVENUE & GARDEN AVENUE.

Part A of this item was submitted as a CPTED (Crime Prevention Through Environmental Design) recommendation to assist with crowd control and loitering in this area. Although the Commission had some concerns with the recommendations affect on area business, the Police Department is confident it will provide a deterrent to crime in the area and the 15 minute time limit will be adequate for the in and out type of businesses that are located here. The Niagara Falls Housing Authority, who owns Jordan Gardens, in addition to various area residents are in support of this.

Part B of this item will assist with building security and safety for the new Community Health Center of Niagara located here.

Submitted by: Bryan DalPorto, Superintendent of Police,
Niagara Falls Police Department

It is requested that City Council approve this recommendation.

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

Yeas

5

Nays

0

APPROVED

FERRY AVE., INSTALL OVERNIGHT PARKING BETWEEN 10TH ST & MEMORIAL PKWY. (SOUTH SIDE ONLY) WITH "NO PARKING TUESDAY 7 AM TO 1 PM" RESTRICTION

Agenda Item #19

At a Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL OVERNIGHT PARKING ON FERRY AVENUE BETWEEN 10TH STREET & MEMORIAL PARKWAY (SOUTH SIDE ONLY) WITH "NO PARKING TUESDAY 7 AM TO 1 PM" 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 67% signatures.

Submitted By: Colleen & Michael Pembleton, 1005 Ferry Avenue, Apt.1
and Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas

5

Nays

0

APPROVED

LINDBERGH AVE., INSTALL ALTERNATE OVERNIGHT PARKING BETWEEN 71ST ST. & 72ND ST.

Agenda Item #20

At a Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON LINDBERGH AVENUE BETWEEN 71ST STREET & 72ND STREET

A Petition from the residents of this block was received with 100% signatures.

Submitted By: Peter DiFrancesco, 501 71st Street and
Petition/Residents of Block

It is requested that City Council approve this recommendation.
Council Member Grandinetti moved that the communication be
received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

MADISON AVE., INSTALL ALTERNATE OVERNIGHT PARKING BETWEEN DORCHESTER RD. & VANRENSSELAER AVE.

Agenda Item #21

At a Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON MADISON AVENUE BETWEEN DORCHESTER ROAD & VanRENSSELAER AVENUE

A Petition from the residents of this block was received with 80% signatures.

Submitted By: Kenny Tompkins, 3009 Madison Avenue and
Petition/Residents of Block

It is requested that City Council approve this recommendation.
Council Member Grandinetti moved that the communication be
received and filed and the recommendation approved.

Yeas

4

Grandinetti, Scott, Walker, Chairman Touma

Nays

0

Abstain

1

Tompkins

APPROVED

68TH ST., INSTALL ALTERNATE OVERNIGHT PARKING BETWEEN EDISON AVE. & STEPHENSON AVE.

Agenda Item #22

At a Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 68TH STREET BETWEEN EDISON AVENUE & STEPHENSON AVENUE

A Petition from the residents of this block was received with 73% signatures.

Submitted By: Brenda Williams, 242 68th Street, Joan Wahler, 247 68th Street and Petition/Residents of Block

It is requested that City Council approve this recommendation. Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

1885 LINWOOD AVE., INSTALL "NO STANDING ANYTIME" RESTRICTION EFFECTIVE 6:30 AM TO 8 AM & 2 PM TO 3:30 PM, MONDAY THRU FRIDAY

Agenda Item #23

At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL "NO STANDING ANYTIME" RESTRICTION EFFECTIVE 6:30 AM TO 8 AM & 2 PM TO 3:30 PM, MONDAY THRU FRIDAY IN FRONT OF 1885 LINWOOD AVENUE

This will provide curb access for the safe pickup/drop-off of an autistic child by mini bus.

[Physician verification of the child's condition has been received]

Submitted By: Etta Zacher, on behalf of her daughter, Marie Schear, 1885 Linwood Avenue

It is requested that City Council approve this recommendation. 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 CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #24

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2016 to March 31, 2018.

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

Kim Bradberry	Human Resources
Brook D'Angelo	DPW
Leonard Lapp	City Clerk's Office
Rosanna Lively	DPW

Kelly Cook	1026 92 nd St., NF NY 14304
Lisa Kaczor	7050 Lakeside Dr., NF NY 14304
Larry Kensinger	496 23 rd St., NF, NY 14303
Teresa M. Kurilovitch	9311 Niemel Dr., NF NY 14304
Jaclyn Pendola	620 28 th St., NF NY 14301
Carletta Tyson	1744 Tennessee Ave., NF NY 14305

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

IN REM PROPERTIES, APPROVAL OF ACTIONS

Agenda Item #25

We have been contacted by the attorney for the former owner of Ward 12, Pro 3673, which the City took title to in the recent In Rem proceeding.

It was anticipated that this property would be included in the upcoming home ownership auction being conducted by the Community Development Department. The prior owner had health issues which prevented him from redeeming the property during the regular period to do so. The attorney has in his trust account, enough funds to cover all outstanding City, School and County taxes and other fees associated with the property.

Based upon this, it is recommended that the Council approve the reconveyance of the property to the former owner, upon the payment of all outstanding taxes and fees as well as any recording fees and authorize the Mayor to execute a deed in a form acceptable to the Corporation Counsel.

At the January 25, 2016 Council Meeting, you voted to reject the bids on Ward 5, Pro 1607 and Ward 9, Pro 2797 due to the bidder having outstanding housing inspection issues on another property. We have been informed by the Department of Code Enforcement that these are recent violations and that the bidder normally resolves any such issues in a timely manner, but has been unable to proceed quickly on this property due to issues with the tenant. Based on this, it is recommended that the Council vote to accept the bids and authorize the Mayor to execute deeds in a form acceptable to the Corporation Counsel.

Also at your January 25, 2016 meeting, you voted to reject the bid on Ward 12, Pro 4332 due to the bidder having outstanding housing inspection issues on a property he owns. Acceptable proof has been provided that this individual was bidding on behalf of the Highland Community Revitalization Committee. Based on this, it is recommended that the Council vote to accept the bid and authorize the Mayor to execute a deed to the Highland Community Revitalization Committee in a form acceptable to the Corporation Counsel.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

Amendment is to include a property on Garden Ave.

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

BY: COUNCIL MEMBERS EZRA P. SCOTT, JR. & KENNY TOMPKINS

Agenda Item #26

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

171.05HEALTH INSURANCE

d. City Council members first elected after January 1, 2016, or re-elected after January 1, 2016 following a separation from service, will not be entitled to receive health insurance "opt-out" payments as provided for under Section 4 of the City's "Health Care Memorandum of Understanding", agreed to by the City's Health Care Committee and adopted by the City Council January 17, 2006.

Bold and Underlining indicate Additions.

Bold and Brackets indicate [Deletions].

Council Member Scott moved to Table the Resolution.

Yeas

3

Scott, Walker, Chairman Touma

Nays

2

Grandinetti, Tompkins

TABLED

Chairman Touma said the Mayor & Council need to work together on Health Care cost savings.

RESOLUTION: GOLF COURSE FEES & RELATED FEES FOR CALENDAR YEAR 2016, 2016-20

BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #27

WHEREAS, the Acting Director of the Department of Public Works has reviewed the Golf Course Fees and Related Fees that were in effect during the 2015 calendar year; and

WHEREAS, this City Council believes that certain Golf Course fees and Related Fees should be increased in order to compare with fees charged at other public golf courses in the area; and

WHEREAS, a schedule of proposed Golf Course fees and Related Fees for calendar year 2016 is attached (on file in the City Clerk's Office) hereto; and

WHEREAS, this City Council is in agreement with the proposed increases.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the attached schedule of Golf Course fees and Related Fees for calendar year 2016 is hereby adopted.

Yeas

5

Nays

0

ADOPTED

Chairman Touma said costs need to be cut in order to not put the burden on the taxpayer.

RESOLUTION: PARKING RATES IN CITY LOTS AND RAMP, 2016-21

BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #28

WHEREAS, the Administration and Council desire to modify the fee schedule for the City's parking lots and ramp;

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

1. The daily parking fee for parking in City-owned parking lots and the parking ramp is increased from \$15.00 to \$20.00 during the high tourist season (May 1 - October 31).
2. The daily parking fee for parking in City-owned parking lots and the parking ramp will remain at \$10.00 during the low tourist season (November 1 - April 30).

BE IT FURTHER RESOLVED, that these fee increases be effective beginning May 1, 2016.

Yeas

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Nays

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ADOPTED

RESOLUTION: BLACK HISTORY MONTH, HONORING, 2016-22

BY: ALL COUNCIL MEMBERS

Agenda Item #29

WHEREAS, Black History Month is an annual celebration of achievements by black Americans and a time for recognizing the central role of African Americans in U.S. history; and

WHEREAS, Dr. Carter G. Woodson, who worked in the Kentucky coal mines as a child, was the son of former slaves. He enrolled in high school at the age of 20. Dr. Woodson went on to graduate from Berea College, later receiving his master's degree from the University of Chicago and earned a Ph.D. from Harvard University; and

WHEREAS, Dr. Carter G. Woodson was one of the first scholars to study African-American history. In 1926, Dr. Woodson proposed and launched a weeklong celebration of the individuals and occasions having a significant impact on African American History in America, and has since been known as the father of Black History; and

WHEREAS, Dr. Woodson chose the month of February to conduct this commemoration because the birthdays of two men whose actions have significantly affected African Americans in this country, Frederick Douglass and Abraham Lincoln; and

WHEREAS, in 1976, Former President Gerald Ford extended it to the entire month of February.

NOW, THEREFORE, BE IT RESOLVED, that we, the Niagara Falls City Council does hereby recognize February's observance as Black History Month and encourage the great citizens of Niagara Falls, New York, and our great Country, United States of America to recommit themselves, not only in February but throughout the year, to an ideal city where equality and justice will always prevail, and to the principals of love, wisdom, and compassion towards one another.

Yeas

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Nays

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ADOPTED

RESOLUTION: COLORECTAL CANCER AWARENESS MONTH, 2016-23
By: All COUNCIL MEMBERS

Agenda Item #31

WHEREAS, the City of Niagara Falls joins to support observances that raise awareness of health issues that affect people across our state, nation, and the world, such as the various types of cancer, including colorectal cancer; and

WHEREAS, colorectal cancer is a leading cause of cancer-related deaths among men and women in the United States; each year in New York State, nearly 10,000 people develop colorectal cancer and close to 3,500 New Yorkers die from this disease; it is estimated that one in twenty people will develop colorectal cancer during their lifetime; and

WHEREAS, colorectal cancer occurs most often in older people; approximately 60% of people newly-diagnosed with colon cancer are age 65 and older, and 90% of all colorectal cancers are diagnosed after age 50; and

WHEREAS, about 75% of colorectal cancer occurs in people who have no known risk factors; while the causes of colorectal cancer are not well understood, scientist agree that the following factors increase a person's risk of developing this disease; age, family history and hereditary conditions, personal health history, obesity, physical inactivity, diet, and other lifestyle factors such as cigarette smoking and excessive alcohol use; and

WHEREAS, colorectal cancer often can be prevented through regular screening that can detect small growths, called polyps, which can be removed before they develop into cancer; screening for colorectal cancer is a covered benefit through Medicaid as well as health plans participating in the New York State of Health. The New York State Cancer Services Program offers colorectal cancer screening to eligible uninsured individuals in every county and New York City boroughs; and

WHEREAS, in support of the statewide and national goals to screen at least 80% of age and risk-appropriate men and women for colorectal cancer, New Yorkers and people everywhere are called upon to raise their awareness of colorectal cancer and take preventative steps to safeguard their health and that of loved ones from this disease; and

WHEREAS, in recognition of the importance of all eligible New Yorkers obtaining their colorectal cancer screening, the Cancer Services Program of Niagara County has sponsored the illumination of Niagara Falls "blue" on Friday, March 4, 2016 at 10:00pm; and

WHEREAS, the illumination of Niagara Falls "blue" memorialize those lives lost to the disease and symbolizes the overflow of hope that we as a region, state, and nation have for a future free of colon cancer.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, does hereby proclaim March 2016 as Colorectal Cancer Awareness Month and encourage all citizens to have their screening done.

Yeas

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Nays

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ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:35 P.M.

Carol A. Antonucci
City Clerk



MARCH 7, 2016
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the March 7, 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 Grandinetti moved to approve the Minutes from the Council Meeting of February 22, 2016.

Yeas

5

Nays

0

APPROVED

Purchasing Agent Johnny Destino introduced Neal Turvey of Pitch N Hit Events, who spoke on the proposal to operate and manage the Sal Maglie Stadium (Agenda Item #5). Mr. Destino read the following letter of support for the record.

To the Niagara Falls City Council

I've been informed that today you will consider a proposal submitted by Mr. Neal Turvey concerning the use of Sal Maglie Stadium for the next three years.

We know proposals are submitted for many things for Council consideration. Most make promises they may or may not be able to keep. Up front money always looks good, but if/when it falls through, it can affect people and business for years to come in lost revenues, venue damage from lack of use of upkeep, and more time and money wasted than any government wants to lose or spend.

This proposal is not one of those "hope it works" pieces of paper. Mr. Turvey and the Jr. Thunderwolves organization have a long and very prosperous track record in supporting and molding the youth of the Niagara region. They have the willingness and desire to invest the time, effort and manpower needed to showcase Sal Maglie Stadium as a place the youth of Niagara Falls and the region wants to play at.

As it stands now, when promoting the regional tournaments, names like Sanborn and Lockport NY are promoted throughout the baseball community. While these places do a fine job, they do not have the name recognition or drawing power that Niagara Falls has. Out of state teams will be apt more to join tournaments played here, and even schedule full vacations in conjunction.

When my father was alive, he was a big proponent of the youth of this city. During his playing days, he would sponsor little league kids on weekend junkets to New York City to watch him play. He would even escort the train ride when possible. After retirement, he would arbitrarily show up at youth practice to offer pointers and help out. He even lent his name to a local youth league to help them get on their feet.

Today, a lot of this city's youth aren't aware of who Sal Maglie was or what he did for them. If he were alive today, he would freely offer his full support to the Thunderwolves program. They in turn are in position to continue his legacy.

Even though circumstances have me living elsewhere, I still have many relatives in the area, and visit often. I care about them, and I care about the city that I still love and my Dad chose to never leave.

This proposal offers full summer use and general upkeep of the stadium, easing the city burden. It provides a new group of tourists to use hotels, restaurants, souvenir shops, and other area businesses that otherwise may never come here, bringing in even more tax dollars.

And most importantly to the stadium's namesake, it's something the youth of this city can look forward to take part in, helping to build teamwork, character, and a sense of community.

I urge you to approve this proposal and allow Mr. Turvey and the Jr. Thunderwolves to show what they can do for this city. Thank you for your time.

Sincerely,
Joe Maglie

Mr. Turvey noted that his company will take over the Stadium immediately, pay the utilities, and there will be a new scoreboard. Also, the School District will also be able to use the Stadium.

Daniel Shubsda, President of Northpointe Council, spoke on the history of the Methadone Program in the City. He noted that those in the Program are people in recovery who are working their Program. Council Member Grandinetti said that the proposed Sixth Street site for the Clinic is in a walkable, livable neighborhood, and asked that an alternate site on Buffalo Avenue be given consideration. Council Member Tompkins asked if any meetings were held for public input on the proposed site, and Mr. Shubsda said that Block Clubs were met with. Community Development Director Seth Piccirillo added that if the Buffalo Avenue site will be considered, the Department of Health and other entities will expedite the necessary approvals. Mr. Piccirillo also added that BOCES is still interested in locating some of their Programs at the 606 Walnut Avenue site.

Fire Chief Tom Colangelo read the Captain's Report on an incident involving a citizen who suffered an apparent heart attack and was revived by an off-duty Firefighter and assisted by members of Engine 9.

Mayor Paul Dyster thanked those involved, and, after the following Resolution was adopted, Chairman Touma read the Resolution, and the members of the Fire Department were presented with copies of the Resolution.

RESOLUTION: FIRE DEPARTMENT, ENGINE 9, DOBMEIER, KEVIN, RECOGNITION, 2016-24

BY: ALL COUNCIL MEMBERS

Agenda Item #11

WHEREAS, on Friday, February 12, 2016, a citizen suffered a sudden heart attack while removing snow from a neighbor's driveway in the 8700 block of Bollier Avenue; and

WHEREAS, Kevin Dobmeier, an off-duty member of the Niagara Falls Fire Department, was passing the scene in his vehicle as the heart attack was happening; and

WHEREAS, Firefighter Dobmeier exited his vehicle, alertly assessed the situation, started CPR and summoned help to the scene; and

WHEREAS, members of Engine 9, including Captain Mike Accetta and Firefighters Chris Janese, Larry Quarcini and Tim Kennedy, responded to the scene almost immediately and administered emergency medical care which saved the life of the citizen in question.

NOW THEREFORE BE IT RESOLVED, that Captain Accetta and Firefighters Dobmeier, Janese, Quarcini and Kennedy be recognized for their timely and heroic efforts which resulted in a positive outcome to this unfortunate situation. These individuals exemplify the professionalism of the Niagara Falls Fire Department and are a credit to both the Department and the City.

Council Member Grandinetti moved to adopt the Resolution at this time.

Yeas

5

Nays

0

ADOPTED

In the Administrative Update, City Administrator Donna Owens spoke on the Plan for installation of parking meters. She said that: the meters will be maintained by three temporary workers from the Department of Public Works who will work from 7 AM to 11 PM during the peak season of May to October; one Police Officer from the Traffic Division will be dedicated to meter enforcement; the Public Works and Engineering Departments will identify the placement of the meters; workers will be trained by the meter company; and the process will take approximately 6 - 8 weeks for completion. Council Member Grandinetti noted that there was a lot going on in the downtown area over the weekend, and asked why the parking lots were not staffed, so parking was free. Acting Director of Public Works John Caso replied that communication between his Department and staff at the Conference Center needs to be improved, in order to address this situation. Council Member Walker inquired about the placement of the meters, and City Administrator Owens said that meters would first be placed on the street and in the minor lots, then in the ramp and major lots. Council Member Tompkins inquired about a resident parking pass, and this will be discussed at a later phase in the program. Superintendent of Police Bryan DalPorto spoke on the purchase of a plate reader and additional equipment for the Police Department that would help in the implementation of enforcement with the installation of the parking meters.

Chairman Touma asked Mayor Dyster about a Casino Spending Plan, and said that a Plan needs to be created. The Mayor responded that 99H, which controls the distribution of Casino Funds, was being worked on. The Mayor added that he had spoken to a Staff Member of the State's Financial Restructuring Board, who informed him that the City's application was being reviewed. Council Member Walker noted that the Casino Plan in place has not been adhered to, and Funds have been spent on Projects other than those for which they were designated.

City Controller Maria Brown informed the Council Members that she was in the process of renegotiating Bonds issued in 2006 and 2007 that would now have a better interest rate.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #2 and a Resolution to be added to the Agenda:

1. Council Member Grandinetti moved to amend Agenda Item #2, relative to a Letter of Award for on-street parking meter installations, by the adding additional language.

Yeas

4

Council Members Grandinetti, Scott, Tompkins, Chairman Touma

Nays

1

Council Member Walker

MOTION TO AMEND APPROVED

2. Council Member Walker moved to add a Resolution relative to implementation of a Casino Spending Plan to the Agenda.

Yeas

5

Nays

0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #12

Mrs. Brown and Lisa Vitello of the Billing and Collections Department spoke on Agenda Item #8, relative to a charge for duplicate tax/water & sewer bills. They noted that requests are received from mortgage companies, property management companies and out of town landlords for hundreds of bills to be reprinted, and this is very time-consuming for office staff.

Council Member Scott thanked Mayor Dyster for agreeing to present a Casino Spending Plan to the Council.

This Session ended at 6:45 PM

Chairman Touma reconvened the Meeting at 7:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Chairman Touma 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 #2
Ken Hamilton	Agenda Items #2, #5, #8, #9, #11
Robert Ventry	Agenda Item #2
Vince Anello	Agenda Items #2, #6
Tony Gara	Drug use in City
Judy Finitz	City should receive more Casino money from the State and use it to lower taxes; Fire Hall at College & Highland is still boarded up-get accounting of use of money that was given to fix it; Seneca Gas Station/Convenience Store will hurt area businesses; Casino funding has been wasted
Candace Corsaro	Narcan training course
Tina Galyn	Methadone Clinic concerns
Michael Murphy	Methadone Clinic concerns; additional charge for duplicate bills
Ken Hamilton	Methadone Clinic concerns; monitors not working for presentations; blocked exit door; voting on items at Work Session
Bob Belton	Availability of Variance report
Jamie Caldwell	No operating budget for Train Station; Hamister Hotel; no City Engineer; various concerns in the City
Vince Anello	Sixth Street is wrong location for Methadone Clinic; City needs Casino revenue spending policy

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF FEBRUARY 2016

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PARKING METER INSTALLATIONS, BER-NATIONAL AUTOMATION, INC.

Agenda Item #2

The following were the result of bids received on February 2, 2016 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT.1</u>	<u>ALT.2</u>
Ber-National Automation, Inc. 1137 East Main Street Rochester NY 14609	\$257,950.00	\$58,580.00	\$38,660.00
T2 Systems	\$312,672.72	-	
Cale America	\$349,032.00	\$64,798.26	\$38,880.40

After a thorough review of all the participants' proposals, qualifications and submittal information, it was determined that the firm Ber-National Automation, Inc. was the lowest qualified and responsible bidder. To that end, it is the recommendation of the undersigned that this project be awarded to Ber-National Automation, Inc. at their total bid of \$355,190.00. Funding will be made available from Casino funds to a dedicated capital code entitled: Parking Meter Program H1316.2013.1316.0449.599.

A meeting with representatives from Ber-National Automation, Inc. ("BER") took place on Wednesday, March 2, 2016 at the offices of the Department of Public Works ("DPW"). The BER representative attending the meeting gave a presentation which included a great amount of detail in the operation of the parking meter system and the tasks the City will be required to undertake in order to operate the system after installation is accomplished. Based upon the information provided by the BER representative, it became apparent that existing DPW budgeted employees (both budgeted temps and full-time employees) will be able to absorb and accomplish the tasks required to operate these parking meters in the ordinary course of business at little or no additional expense and without any changes to existing job specifications. The Director of DPW advises that he is restructuring the duties of three (3) existing department employees to charge them with performing the tasks these meters will require. Those tasks, at this point, appear to be limited to occasional changing of receipt tapes (each parking meter can accommodate 6,500 separate receipts!) and replacement of the sealed cash boxes as needed. The volume of customers will determine the frequency with which these tasks must be performed. The necessity to perform these tasks will be monitored remotely and individuals will be dispatched to perform those tasks on an as-needed basis. This is consistent with inquiries made of other communities.

BER will perform any maintenance required on these parking meters during the first year of operation as part of its bid. Training of City employees will also be performed so that City employees may perform any necessary maintenance going forward.

As far as the enforcement component is concerned, the Superintendent of Police advises that he will detail a traffic officer on duty to the downtown area of the City to engage in enforcement activity, as needed, as part of that officer's daily duties. In order to efficiently perform enforcement activity, it will be necessary for the City to acquire a license plate scanner with software and appropriate equipment. The Police Superintendent researched this issue and has determined that the existing license plate scanners and software cannot be retrofitted for this purpose due to compatibility issues. Therefore, he is recommending that the proprietary system available through BER National that is compatible with the parking meters be acquired at this time at an additional cost of \$86,250.00 plus a license fee of \$4,000.00. Going forward, this \$4,000.00 license fee must be paid annually. Casino revenues are available to pay for this component of the parking meter initiative. It is therefore requested that the City Council approve this purchase at this time as well.

Finally, the Administration is proposing that Council authorize the implementation of a variable per-hour on-street parking meter rate.

The rate structure will be adjusted during peak and non-peak times accordingly to encourage customer parking in the City ramp and surface lots. The initial proposed hourly rates for on-street parking will fluctuate between \$1.00 and \$3.00 per hour. The City Council has also expressed an interest in exploring opportunities for a resident parking pass to utilize City ramps and surface lots at a discounted price. The administration remains receptive to exploring those opportunities as well as we begin planning future phases of the parking program.

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	4
Grandinetti, Tompkins, Walker, Chairman Touma	
Nays	0
Abstain	1
Scott	

APPROVED

Amendment is to add additional language.

Council Member Tompkins said he was not happy 2 weeks ago with the lack of information and didn't get much time to digest this information. There is no real plan, but additional funding is being requested. He will vote yes because he realizes the value of getting the meters installed.

Council Member Walker said the additional \$90,000 that was requested should be used to purchase additional meters, more work needs to be done on the Plan.

Chairman Touma said a Parking Plan is needed for future development, and meters should increase traffic flow. The revenues will be good, and tourists expect to pay for parking. The meters will be managed in house at a minimum labor cost.

CONTRACT: ICE PAVILION, PHASE IV, ELECTRICAL ICE RINK FLOOR/DASHER BOARD REPLACEMENT, SOUTH BUFFALO ELECTRICAL INC.

Agenda Item #3

A contract for the above referenced project was awarded to South Buffalo Electrical, Inc. 1250 Broadway Street, Buffalo, NY, on March 9, 2015 in an amount of \$83,285.00.

As the project progressed it became apparent that out of scope tasks associated with the operation of the facility were necessary. Power and controls for new equipment needed additional electric work also existing fire alarm devices needed to be relocated.

The total cost of this extra work is \$2,185.74.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$2,185.74 be approved, bringing the new contract total to \$88,470.74. Existing funding is available through a 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

PURCHASE: NETWORK AND SERVER EQUIPMENT, ALTERNATIVE INFORMATION SYSTEMS, FUNDING

Agenda Item #4

We respectfully request you approve the above referenced purchase as follows:

TO: Alternative Information Systems
489 Ellicott Street
Buffalo, NY 14203

FOR: Purchase of networking equipment, storage and backup server systems, and installation services.

TOTAL: \$138,059.00

The City Purchasing Agent certifies that this purchase (Pricing information available in the City Clerk's Office) is available on New York State Contract for Telecommunications Services.

Funds for this expenditure are available in Casino revenues. Will the Council vote to approve and authorize the Mayor to execute any documents necessary to effectuate same?

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

Yeas

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Nays

0

APPROVED

Chairman Touma said that he hopes this will be the last time he's asked to approve a purchase for the Network.

CONTRACT: SAL MAGLIE STADIUM, OPERATE/MANAGE, PITCH AND HIT EVENTS LLC

Agenda Item #5

The City Purchasing Division prepared a Request for Proposals ("RFP") for the operation and management of Sal Maglie Stadium. The RFP #2015-24 was advertised in the Niagara Gazette. The RFP was also posted on the City website and promoted on social media platforms. The Purchasing Division received several verbal inquiries regarding the facility and a formal response was received from one (1) vendor.

The opportunity contained in the RFP was for "a license to operate and manage the city-owned facility known as Sal Maglie Stadium." Pursuant to the terms of the request, the vendor would be granted a license to operate and manage the facility for an initial term of three (3) years to commence April 1, 2016 and ending March 31, 2019. The license may be terminated by either party with proper notice after the first year of the agreement. The City is offering the property in "as is" condition and will be responsible for repairs made to the structure and fixtures. During the term of the agreement and any subsequent renewal, the vendor will be responsible for paying all operational expenses of the Stadium Facility, inclusive of the cost of all utilities.

The basis for awarding this license was stated in the RFP as follows:

"The City, in its sole discretion, will determine which proposal is most suitable to the City. Among the items to be considered in making its determination, the City will... take into consideration the payments proposed to be made in Paragraph 3 herein, the uses proposed in Paragraphs 5, 20, and 21, as well as the business background, experience and qualifications of the licensee/staff as well as the City's due diligence."

The response to the RFP from Pitch and Hit Events LLC (on file in the City Clerk's Office) was reviewed and determined by the Administration to be responsive to our request. A committee comprised of several department heads conducted interviews of key personnel and performed reference checks. Pitch and Hit Events has agreed to pay the City one dollar (\$1.00) annually on April 1st and a negotiated portion of its stadium generated revenues payable to the City on October 31st of each year.

It is recommended that the license to operate and manage Sal Maglie Stadium be awarded to Pitch and Hit Events LLC upon such terms as negotiated.

Will the Council so approve and authorize the Mayor to execute an agreement specifying the terms and conditions of the license to operate and manage Sal Maglie Stadium in form and content satisfactory to the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

Council Member Grandinetti said she is very excited about this Plan. Chairman Touma said the Developer will install a new scoreboard and pay for utilities. This Developer has been successful & will generate revenue & Profit Sharing may be a possibility down the road.

CABLE TELEVISION COMMISSION: 2016 FUNDING

Agenda Item #6

Pursuant to the City ordinance regarding the Cable Television Commission and subsequent City Council resolutions, the three cable commissioners are to receive \$1,000 each per year for their services. These amounts were inadvertently omitted from the 2016 budget. It is requested that the sum of \$3,230.00 (inclusive of FICA) be transferred from contingency account line A.1990.7630.0449.599 to the appropriate budget line A.3610.3140 Examining Boards-Cable T.V. for this purpose.

Will the Council so approve?

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

Yeas

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Nays

0

APPROVED

RESOLUTION: VENDORS AND PEDDLERS, ORDINANCE AMENDMENT, 2016-25
BY: COUNCIL MEMBERS GRANDINETTI, WALKER, CHAIRMAN TOUMA

Agenda Item #7

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 341 of the Codified Ordinances entitled AVendors and Peddlers@ is hereby amended by amending Section 341.12 to read as follows:

341.12 Restrictions Applicable to all Vendors and Peddlers

. . .

(g) Prohibited areas. A license issued pursuant to this chapter is valid only in locations specified on the license that are included on the Official Map of Designated Vendor Locations, as specified under Section 341.10. The City shall prohibit vendors or peddlers from selling on specified public ways if it determines such prohibitions are necessary for the protection of public health and safety or to advance any specific public policies specified in this ordinance. No commercial door to door sales and/or solicitation by any vendor or peddler shall be permitted in any residential district or zone, or at any residential property without the prior consent of the owner or resident of the property. This prohibition shall not apply to bona fide religious, non-profit, charitable, political or school-endorsed individuals, groups or organizations. Vendor stands and motor vehicles are also prohibited within 50 feet of a fire hydrant, fire escape, bus stop, loading zone, or driveway of a fire station, police station, or hospital.

. . .

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

Yeas
Nays

5
0
ADOPTED

RESOLUTION: TAX BILLS/WATER AND SEWER BILLS, DUPLICATES
BY: COUNCIL MEMBER GRANDINETTI

Agenda Item #8

WHEREAS, the City's Billing and Collection Office causes City, County and School tax bills to be sent to each taxpayer in the City, and the Niagara Falls Water Board ("NFWB") causes water and sewer bills to be sent to each taxpayer in the City; and

WHEREAS, taxpayers regularly come to the Billing and Collection Office to pay tax bills and water and sewer bills, but some are not in possession of the actual bill that the Billing and Collection Office or the NFWB sent to them to pay; and

WHEREAS, when taxpayers come to the Billing and Collection Office to pay a tax bill or water and sewer bill and are not in possession of the actual bill, it is necessary for personnel in the Billing and Collection Office to make duplicate tax bills and duplicate water and sewer bills, as the case may be, so those taxpayers can pay their tax bills and water and sewer bills; and

WHEREAS, it requires staff time and paper in order for staff in the Billing and Collection Office to generate duplicate bills, which has proven to be a time-consuming and costly task.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City Council does hereby impose a charge of \$2.00 for each duplicate tax bill and/or duplicate water and sewer bill that must be generated by the Billing and Collection Office staff in order to process those tax and water and sewer bill payments.

Council Member Walker moved to Table the Communication.

Yeas 3

Scott, Tompkins, Walker

Nays 2

Grandinetti, Chairman Touma

TABLED

RESOLUTION: HOME RULE REQUEST, SPEED LIMIT 2016-26

BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #9

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 Robert Ortt introduced Senate Bill No. S3115 and Assemblyman John Ceretto introduced Assembly Bill A3640, 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. S3115 and Assembly Bill A3640, entitled "An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls", and this Council declares that a necessity exists for the enactment of such legislation; and

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

Yeas 5

Nays 0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, REAPPOINTMENTS, 2016-27

BY: ALL COUNCIL MEMBERS

Agenda Item #10

BE IT RESOLVED, that the following individuals are hereby reappointed 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:
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Angela Berti	12/31/2016
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Prospect Street & Old Falls St.
Niagara Falls, NY 14303

Mickey Dumas	12/31/2016
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1023 South Avenue
Niagara Falls, NY 14305

Denise Easterling	12/31/2016
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1306 Willow Avenue
Niagara Falls, NY 14305

Yeas 5

Nays 0

66

ADOPTED

03/07/2016

RESOLUTION: FIRE DEPARTMENT, ENGINE 9, DOBMEIER, KEVIN, RECOGNITION,
2016-24
BY: ALL COUNCIL MEMBERS

Agenda Item #11

RESOLUTION WAS ADOPTED AT THE COMMITTEE OF THE WHOLE MEETING

RESOLUTION: CASINO SPENDING PLAN, IMPLEMENTATION, 2016-28
BY: COUNCIL MEMBERS EZRA SCOTT, KENNY TOMPKINS, CHARLES WALKER,
COUNCIL CHAIRMAN ANDREW TOUMA VOTE

Agenda Item #12

WHEREAS, the City Council of the City of Niagara Falls feels it is
of the utmost importance to create a casino spending plan; and

WHEREAS, despite verbal encouragement to do so, the Mayor has yet
to submit a casino spending plan to Council for consideration.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara
Falls, New York, does hereby request that a casino spending plan be
submitted by the Mayor of the City of Niagara Falls and his
administration, to the City Council on or before its meeting scheduled
for Monday, April 4, 2016; and

BE IT FURTHER RESOLVED, that if such a casino spending plan is not
received by the City Council, by the deadline, this City Council will
move to adopt its own plan at its meeting scheduled for Monday, April
18, 2016.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council,
Chairman Touma adjourned the Meeting at 8:00 P.M.

Carol A. Antonucci
City Clerk



March 21, 2016

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the March 21, 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., and Kenny Tompkins.

Excused: Council Member Charles Walker

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

Council Member Grandinetti moved to approve the Minutes from the Council Meeting March 7, 2016.

Yeas

4

Nays

0

APPROVED

Chairman Touma welcomed Council Member Tompkins three daughters to the Meeting.

Acting Director of Planning and Economic Development Thomas DeSantis spoke on the City's Comprehensive Plan, which has developed over the course of several Administrations. He spoke about various Projects were part of the Plan, and noted that the reconfiguration of the Robert Moses Parkway will spur new development. Council Member Tompkins observed that the Plan targets the downtown area, and asked how the rest of the City benefits from the Plan. Mr. DeSantis said that the rest of the City is involved, and mentioned work done at the LaSalle Library, the Buffalo Avenue Waterfront Park, Griffon Park and Jayne Park. Chairman Touma added that it is important to highlight and showcase the rich history of the City.

Community Development Director Seth Piccirillo spoke on the 2016 CD Final Action Plan Allocation, explaining the changes that were made to the Plan. He said that home ownership is a #1 priority for his Department. He also said that he has reduced costs in his Department through attrition when employees have retired. He said that his Department is audited by HUD on a yearly basis, and Chairman Touma requested that the Council be apprised of the results of each Audit.

Mr. Piccirillo also spoke on the Highland Avenue Fire Hall, and it's use by Isaiah 61. He said that the work on the Fire Hall is scheduled to be completed in 2016, and thanked the Engineering Department for overseeing the roofing Project at the Fire Hall. Isaiah students will be doing some of the work inside the Fire Hall as part of their training. Mr. Piccirillo also noted that the investment in the Fire Hall will encourage other development/investment in the Highland Avenue Area.

Mayor Paul Dyster reported that he had been invited to attend a local Meeting with the Secretary of Labor and others about the issue of employment opportunities for residents, and how municipalities can help with this issue.

Mayor Dyster also spoke on his invitation from President Obama to welcome Canadian Prime Minister Trudeau to the White House, alongwith local high school students.

Mayor Dyster informed the Council Members that the City's Home Rule Request relative to the downtown speed limit had passed in the NYS Senate today.

City Administrator Donna Owens reported that a Meeting was held on March 14 on the parking meters, and the operator application was filled out. A site survey was done on the placement of the meters, and another Meeting will be held on March 30 to go over the meter placement. City Administrator Owens will give the Council an update on the parking meters every two weeks.

City Administrator Owens also reported that the Department of Public Works and Modern will begin additional bulk pickups in April.

Chairman Touma inquired about locations in the City for Bed and Breakfasts, and Mr. DeSantis responded that they can be located anywhere within the City with the proper approvals, and the Zoning Ordinance can be changed if the Council wishes to do so. Mayor Dyster added that this issue was a topic of discussion at the recent NYCOM Meeting.

Chairman Touma asked about High Speed Rail Service between Toronto and Niagara Falls, and Mr. DeSantis said that this is a topic of discussion and will benefit the City.

Corporation Counsel Craig Johnson distributed copies of a Resolution to be added to the Agenda relative to amending golf course fees for disabled golfers.

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

Yeas	4
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #8.

Deputy Corporation Counsel Thomas O'Donnell reminded the Council Members that Agenda Item #7, a Resolution relative to Public Improvement Refunding Serial Bonds, required 4 affirmative votes to pass.

This Session ended at 6:15 PM

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

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

Ron Anderluh	Condition of roads in Niagara St. area; Gill Creek Park-concerts, grills & Comfort Station; keep Bed and Breakfasts in downtown area
Dan Davis	Put Retail Stores in Falls St. glass walkway; develop Cultural District
Roscoe Daugherty	Abandoned houses; trash limit
Allan Leo	Golf Course conditions are improved; increased rates for disabled golfers; add cart paths to course
Frank Soda	Golf Course operates at a deficit
Gerald Skrlin	Neighboring property issues
Sylvia Virtuoso	Property conditions on Pine Ave.
Jamie Caldwell	Status of hiring City Engineer; road conditions; Hamister Project
Jeff Flack	Regulate Bed & Breakfasts'

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF FEBRUARY 2016
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: OFFICE OF THE AGING

Agenda Item #2

In the past, the City has served as a contractor for the Niagara County Office for the Aging by providing information and assistance services to persons 60 years old or older who meet Office for the Aging eligibility requirements. These services are performed at 1201 Hyde Park Boulevard, Niagara Falls, New York. The City is paid an amount not to exceed \$9,025.00 for these services. The term of the agreement is January 1, 2016 through December 31, 2016.

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

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

Yeas

4

Nays

0

APPROVED

COMMUNITY DEVELOPMENT: 2016 BUDGET FINALIZATION

Agenda Item #3

The City Council approved the Fiscal Year 2016 Consolidated Annual Plan in December 2015. The Consolidated Annual Plan included the Community Development Block Grant (CDBG) Program, HOME, and Emergency Solutions Program (ESG); all funded through annual Department of Housing and Urban Development (HUD) allocations. These budgets were presented to the City Council in draft form, using an estimate from the 2015 actual budget amount, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final Fiscal Year 2016 allocations were released on February 17, 2016. Cumulatively, the city's final CDBG, HOME and ESG allocation is 0.14 percent higher than the \$2,758,830 budget previously presented to the community and approved by the City Council. The individual programs are affected as follows:

Draft vs. Actual

Source	Draft 2016 Action Plan	HUD 2016 Final Allocation	\$ Change	% Change
CDBG	\$2,241,544	\$2,224,029	(\$17,515)	-0.7
HOME	\$317,911	\$336,952	\$19,041	6.0
ESG	\$199,375	\$201,784	\$2,409	1.2
TOTAL	\$2,758,830	\$2,762,765	\$3,935	0.1

The Community Development Department proposes the following revisions to the 2016 Community Development Action Plan, to bring the budget estimate in line with the final allocations. The proposed changes also reflect HUD's requirement that no more that 15 percent of CDBG funds be dedicated to public services programs and no more than 20 percent be dedicated to administrative costs. No sub recipients are harmed in this reallocation.

2016 Programmatic Changes

CDBG Budget	\$ Change
NF Ranger Program	(\$2,628)
CD Housing Rehab.	(\$11,384)
CD Admin	(\$3,503)

HOME Budget	
CD Housing Rehab.	\$19,041

ESG Budget	
Family & Children Services	\$2,409

Per HUD and City of Niagara Falls Citizen Participation Plan Guidelines, the city will adjust programmatic budgets to meet the final allocation without deviating from the project scopes or objectives already approved by the City Council. Will Council vote to so approve and authorize the Community Development Director to make the necessary budget adjustments?

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

Yeas

4

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

VENDORS AND PEDDLERS, ORDINANCE AMENDMENT

Agenda Item #4

Please be advised that, Mayor Paul A. Dyster, on March 15, 2016, duly approved the following:

Resolution 2016-25, relative to amending Chapter 341 of the Codified Ordinances entitled "Vendors and Peddlers" which was adopted by Council on March 7, 2016.

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: CHONG, CLEVELAND AND LINDA, AMERICAN RELIABLE INSURANCE COMPANY AS SUBROGEE

Agenda Item #5

Date Claim Filed:	February 17, 2015
Date Action Commenced:	N/A
Date of Occurrence:	December 25, 2014
Location:	1638 South Avenue, Niagara Falls, NY
Nature of Claim:	Damage to house caused by City tree.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$10,000.00

Make Check Payable to:

Law Offices of Robert A.
Stutman, P.C.
As attorneys for American
Reliable
Insurance Company
General Release to City,
approved by Corporation
Counsel.

Conditions:

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

4

Nays

0

APPROVED

RESOLUTION: DEDICATED PUBLIC ROADWAY, 2016-29

BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #6

WHEREAS, during its meeting on October 5, 2015, the City Council approved the sale of a parcel of real property consisting of approximately .57 acres (approximately 245 feet x 103 feet) ("the Property") of City owned real estate to NFNy Hotel Management, LLC ("NFNy") 300 Third Street, Niagara Falls, New York 14303 in order for NFNy to construct an improvement to the Sheraton hotel it owns and operates at 300 Third Street, Niagara Falls, New York; and

WHEREAS, by contract dated December 23, 2015, the City and NFNy entered into a Contract of Sale wherein the City agreed to sell and NFNy agreed to purchase the Property (the "Contract") on agreed terms and conditions; and

WHEREAS, one of the terms and conditions contained in the Contract calls for the City to publicly dedicate a roadway for vehicular and pedestrian access on real estate already owned by the City and already utilized for that purpose; and

WHEREAS, although utilized as such, that roadway was never publically dedicated as a roadway; and

WHEREAS, legal descriptions of the roadway to be dedicated as a public roadway are attached hereto and shown on a survey also attached (on file in the City Clerk's Office) hereto; and

WHEREAS, there is no cost associated with the acquisition and construction of these roadway areas as City roadways because the City already owns the real property in question and the roadways have already been constructed; and

WHEREAS, the City has utilized this as a public roadway for vehicles and pedestrians pursuant to an easement from the Niagara Falls Urban Renewal Agency in 1987 which easement is in the process of being extinguished; and

WHEREAS, the Property abuts the Sheraton hotel and comprises a portion of the area utilized as an undedicated roadway; and

WHEREAS, the City will be required to maintain these public roadways going forward as it has since approximately 1987.

NOW, THEREFORE, this City Council does hereby refer the question of whether these public roadways should be dedicated as public roadways to the Niagara Falls Planning Board for review and recommendation.

Yeas

4

Nays

0

ADOPTED

RESOLUTION: "SERIAL BONDS", PUBLIC IMPROVEMENT REFUNDING AND PAYMENT OF
THE BONDS TO BE REFUNDED, 2016-30
BY: ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, the City of Niagara Falls, Niagara County, New York (hereinafter, the "City") heretofore issued \$9,364,000 General Obligation (Serial) Bonds, 2006, 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 15, 2006 (hereinafter referred to as the "2006 Refunded Bond Determinations Certificate"), such General Obligation (Serial) Bonds, 2006, being dated November 15, 2006 with remaining maturities on May 15 in the years 2016 through 2028, both inclusive, as more fully described in the 2006 Refunded Bond Determinations Certificate (the "2006 Refunded Bonds"); and

WHEREAS, the City also heretofore issued \$39,400,000 General Obligation (Serial) Bonds, 2007 pursuant to a bond resolution to pay the cost of the acquisition of a new public safety and courts facility complex in and for said City, as further described in the bond determinations certificate of the City Controller dated December 1, 2007 (hereinafter referred to as the "2007 Refunded Bond Determinations Certificate"), such General Obligation (Serial) Bonds, 2007, being dated December 1, 2007 with remaining maturities on December 1 in the years 2016 through 2037, both inclusive, as more fully described in the 2007 Refunded Bond Determinations Certificate (the "2007 Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the 2006 Refunded Bonds and the 2007 Refunded Bonds maturing in 2018 and thereafter (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 2018 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, (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 \$42,000,000 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 \$38,440,000, 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-16 (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 2006 and 2007 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 Holder 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 Holder 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.

Dated: March 21, 2016

ADDITIONAL INFORMATION AVAILABLE IN THE CITY CLERK'S OFFICE

Yeas 4

Nays 0

ADOPTED

Chairman Touma said that refinancing these Bonds will provide a savings for the taxpayers.

RESOLUTION: GOLF COURSE FEES, AMENDING, 2016-31

BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #8

WHEREAS, during the City Council meeting held on February 22, 2016, this City Council adopted a Resolution establishing golf course fees and related fees for calendar year 2016; and

WHEREAS, a change to the cost to obtain a "Season Ticket - Disability Pass (Monday - Sunday, includes cart)" - \$850.00", was intended to be made but was not included in the Fee Schedule attached to the resolution; and

WHEREAS, this City Council wishes to amend the Resolution and Fee Schedule adopted on February 22, 2016 to include the cost to obtain a "Season Ticket - Disability Pass (Monday - Sunday, includes cart) \$850.00."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the attached amended schedule of Golf Course Fees and Related Fees for calendar year 2016 is hereby adopted to include "Season Ticket - Disability Pass (Monday - Sunday, includes cart) \$850.00."

Yeas 4

Nays 0

ADOPTED

Chairman Touma said this is a great deal for disabled golfers.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:25 P.M.

Carol A. Antonucci
City Clerk



March 28, 2016

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

March 24, 2016

Members of the City Council
And
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Monday, March 28, 2016 at 4:45 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Authorize the City to enter into a Solar Power and Services Agreement with Sun Edison Origination, LLC.

Respectfully submitted,

Andrew Touma, Council Chair

The March 28, 2016 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Andrew Touma at 4:50 PM in the Council Chambers.

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

Also Present: Mayor Paul Dyster, Corporation Counsel Craig Johnson and Deputy Corporation Counsel Thomas O'Donnell.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CONTRACT: SOLAR POWER AND SERVICES AGREEMENT, SUN EDISON ORIGINATION, LLC

Agenda Item #1

The City has been in discussions with Sun Edison regarding entering into a remote net metering arrangement for a solar facility to be built in Rush, NY.

The net metering arrangement provides for the City to receive a credit for the electricity generated by the solar system from National Grid and the agreement with Sun Edison provides that the rate the City pays to Sun Edison would be less than the credit rate received from National Grid providing a net credit to the City for the electricity. The City receives the credit from National Grid to be applied to its electric bills.

This will not impact on the City's electricity arrangement with the New York Power Authority received as part of the relicensing settlement agreement as the City has additional electric needs including the street light system that would absorb the credits generated by this agreement.

The initial term of the agreement is for twenty years and the agreement also provides for a five year renewal.

Will the Council so approve and authorize the Mayor to execute an agreement 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 will save the citizens approximately \$30,000 per year.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 4:51 PM.

Carol A. Antonucci
City Clerk



APRIL 4, 2016
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the April 4, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:05 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 March 21, 2016 and the Special Meeting of March 28, 2016.

Yeas	5
Nays	0
APPROVED	

Council Member Walker moved to amend the Agenda to vote on Agenda Items #6 and #9 at this time.

Yeas	5
Nays	0
MOTION TO AMEND AGENDA APPROVED	

RESOLUTION: KENNEDY, SHAWN "BABY SHAWN", HONORING, 2016-32
BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, the City of Niagara Falls wishes to acknowledge Shawn "Baby Shawn" Kennedy for his bravery, courage and admiration from all of the residents in the City of Niagara Falls; and

WHEREAS, Baby Shawn is a 5 year old child, diagnosed with a rare form of brain cancer known as DIPG (Diffuse Intrinsic Potine Glioma). He has and will continue to receive treatments at the St. Jude Children's Hospital in Memphis, but that hasn't stopped his smiles, diminished his amazing personality or his abundance of energy; and

WHEREAS, Baby Shawn continues to enjoy life with his family, he recently met his biggest hero, Stephen Curry, basketball player for the Golden State Warriors. "Baby Shawn" sat with the team during warm-ups and enjoyed some one-on-one time with Curry; through Make-A-wish foundation, he recently enjoyed a Disney cruise with his whole family.

NOW, THEREFORE, BE IT RESOLVED, that the City of Niagara Falls, New York, does hereby recognize Shawn "Baby Shawn" Kennedy for his bravery and courage.

Yeas	5
Nays	0
ADOPTED	

Council Member Scott read the Resolution, and the Council Members presented a copy of the Resolution to Shawn and his family. Mayor Paul Dyster read a Proclamation for Shawn, and presented a copy and a pin of the Key to the City to Shawn.

RESOLUTION: BABY CAKES CUPCAKE DINER, HONORING, 2016-33
BY: ALL COUNCIL MEMBERS

Agenda Item #6

WHEREAS, the Niagara Falls City Council wishes to congratulate Baby Cakes Cupcake Diner for winning the 3rd Annual KISS 98.5 Cupcake Challenge; and

WHEREAS, Baby Cakes Cupcake Diner is a local bakery, located at 1412 Pine Avenue in the City of Niagara Falls, this was a dream come true for mothers and co-owners, Christina Groce and Tracey Storey; and

WHEREAS, Christina is a professional cake artist and her business partner Tracy is a pastry chef who studied at the Niagara Falls Culinary Institute. Baby Cakes Cupcake Diner specializes in made-to-order custom cakes and gourmet cupcakes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York, does hereby congratulate Baby Cakes Cupcake Diner and welcome them to the Niagara Falls neighborhood.

Yeas

5

Nays

0

ADOPTED

Council Member Grandinetti read the Resolution, and the Council Members presented a copy of the Resolution to the owners of the business.

Mayor Dyster gave a Presentation on his Casino Spending Plan. He gave a history of Section 99H of the State Finance Law, which sets out guidelines for spending of Casino dollars; listed the entities that receive part of the City's share of the Casino dollars; and showed how Casino dollars received to date have been spent.

Chairman Touma noted that the Council had not yet received copies of the Isaiah 61 and Comprehensive Plan Presentations, and the Mayor said that he would see that they are forwarded.

Mayor Dyster spoke on the issues he is having in hiring a City Engineer, and asked that the Council consider granting a Residency Waiver for this position only.

Council Member Tompkins inquired about the progress of the parking meter project, and City Administrator Donna Owens said the project is scheduled to be in operation by June 1st.

Mayor Dyster spoke on the Play Ball Program sponsored by NYCOM to involve youth in sports, and said that Sal Maglie Stadium is included in the Program.

Mayor Dyster said that Lt. Governor Kathy Herculano would be at City Hall on April 6 at 9 AM to speak on the NYS Budget that was adopted on April 1st.

City Administrator Owens spoke on the additional pickup of bulk items during April and May.

Mayor Dyster spoke on Agenda Item #2, relative to awarding the contract for the clearing of vacant lots in the City, and said that the contract included the option to renew the contract for an additional two years.

Council Member Grandinetti spoke on Agenda Item #10, relative to amending Chapter 701 of the Codified Ordinances entitled "Animals, Fowl and Dogs", and said that the amendment imposes duties on owners of cats.

This Session ended at 6:45 PM

Chairman Touma reconvened the Meeting at 7:05 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:

Joe Grabka	Agenda Item #10
Gerald Skrlin	Agenda Item #3
Caroline Boback	Agenda Item #10
Amy Lewis	Agenda Item #10
Gerald Skrlin	Issue with neighbor's property; free speech issues
Roy McDowell	Thanked Council Members Tompkins & Scott for sponsoring Memorial Day Parade; Mayor should attend Council Meetings; against parking meters; City should get more Casino money; against employee raises; adhere to residency requirement for City Engineer; DPW workers should be clearing vacant lots instead of contracting out this job; Water Board surplus should be used for structure issue repairs
Robert Ventry	Questioned if amount budgeted for demolitions is enough; more money should be budgeted for street & sidewalk repairs; operating budget for Train Station; seal cracks on roads to make repairs last longer; enforce 72 hour rule for high grass/ bushes; no raises should be given; against parking meters; table amendments to Dog Ordinance
Jamie Caldwell	Thanked Council Members Tompkins & Scott for sponsoring Memorial Day Parade; provide itemized list of Casino funds spending; large amounts of garbage around City; resignation of Water Board members
Vince Anello	City needs working relationship with Water Board; Casino Spending Policy needed; waive residency requirement of City Engineer

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: STREET MILLINGS, ARMAND CERRONE, INC.

Agenda Item #1

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

TO: Armand Cerrone, Inc.
4625 Witmer Road
Niagara Falls, NY 14305

FOR: Sale of approximately 37,785 tons of street millings
generated during the 2016 paving season: \$.89/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 eight (8) vendors. Three (3) bids were received. The above referenced company submitted the highest price for the millings. The two (2) other bids that were received were from Lafarge North America at \$.86/ton and Buffalo Fuel Corporation at \$.85/ton.

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: VACANT LOTS, CLEARING, K.J. SMITH ENTERPRISES, INC.

Agenda Item #2

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

TO: K.J. Smith Enterprises, Inc.
3616 Highland Avenue
Niagara Falls, NY 14305

FOR: One (1) year contract to furnish of proper equipment and experienced manpower to clear, cut and or mow all vegetation (weeds, brush, etc.) at various locations within the City of Niagara Falls, NY. This contract has the ability to be extended for two (2) additional years if mutually agreeable and upon City Council approval.

Man Hours for properties less than one (1) acre (est. 3,200 hours): \$10.00/Man Hour
Price per acre for properties one acre or larger (est. 150 acres): \$17.50/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 eight (8) vendors. Four (4) bids were received. After reviewing each bid we determined that K.J. Smith Enterprises, Inc. submitted the lowest overall bid as shown on the attached (on file in the City Clerk's Office) tally sheet.

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

Will the Council so approve?

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

Yeas	4
Council Members Grandinetti, Scott, Walker, Chairman Touma	
Nays	0
Abstain	1
Council Member Tompkins	

APPROVED

Chairman Touma said he wished this could be done in house but the City doesn't have the required equipment.

CITY HALL: VETERANS AFFAIRS, OFFICE SPACE

Agenda Item #3

Attached (on file in the City Clerk's Office) hereto is a copy of correspondence to the City Administrator from the State Division of Veterans' Affairs. The Division of Veterans' Affairs is requesting the opportunity to utilize unused office space in City Hall on a limited basis as described in the attached letter. This accommodation has been made to the Office of Veterans' Affairs in the past. This office space will benefit veterans residing in the City with their concerns and questions.

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

BUFFALO NIAGARA RIVERKEEPER: HABITAT RESTORATION PROJECTS

Agenda Item #4

The City of Niagara Falls has been approached by Buffalo Niagara Riverkeeper to perform habitat restoration projects in Hyde Park and along Gill Creek.

This would be done by Riverkeeper or contractors on its behalf and is fully funded through Riverkeeper, so no City funds are involved.

Will the Council authorize the Mayor to enter into an agreement with Buffalo Niagara Riverkeeper authorizing this project 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

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: HUELIN, JR., THOMAS

Agenda Item #5

Date Claim Filed:	January 7, 2016
Date Action Commenced:	N/A
Date of Occurrence:	January 5, 2016
Location:	Niagara Avenue at intersection with 11 th Street, Niagara Falls, New York
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Vincent M. Rychel
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,274.00
Make Check Payable to:	Huelin Thomas, 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

RESOLUTION: MUNICIPAL CIVIL SERVICE COMMISSION, REAPPOINTMENT

BY: ALL COUNCIL MEMBERS

Agenda Item #7

THIS ITEM WAS PULLED FROM THE AGENDA.

NO ACTION TAKEN ON THIS ITEM.

RESOLUTION: TRAFFIC ADVISORY COMMISSION, APPOINTMENT, 2016-34
BY: ALL COUNCIL MEMBERS

Agenda Item #8

WHEREAS, there is currently one vacant seat on the Niagara Falls Traffic Advisory Commission, due to the passing of Mr. Chester Hyla.

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Traffic Advisory Commission, effective immediately.

APPOINTMENT	TERM EXPIRES:
Schurron Cowart	12/31/2018
151 Buffalo Avenue #1401	
Niagara Falls, NY 14303	

Yeas	5
Nays	0
ADOPTED	

RESOLUTION: ANIMALS, FOWL AND DOGS, ORDINANCE AMENDMENT
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #10

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 701 of the Codified Ordinances entitled AAnimals, Fowl and Dogs@ is hereby amended as shown on the attached (on file in the City Clerk's Office).

Bold and Underlining indicate Additions.

Strikethrough indicates [Deletion].

Council Member Grandinetti moved to amend the Resolution by removing "unlicensed or" from Section 701.17.

Yeas	5
Nays	0

AMENDMENT APPROVED

Council Member Walker moved to Table the Resolution.

Yeas	5
Nays	0

TABLED

Chairman Touma said this is a problem in the City and after making some revisions, the Council will vote on amending this Ordinance.

RESOLUTION: WATER BOARD, MEMBERS METHOD OF APPOINTMENT, 2016-35
BY: COUNCIL MEMBERS EZRA SCOTT, JR. AND KENNY TOMPKINS

Agenda Item #11

WHEREAS, when the legislation establishing the Niagara Falls Water Board and the Niagara Falls Water Authority were originally enacted, they provided that the City of Niagara Falls would have two of the five appointments of members to the Board and one of the three appointments of members of the Authority; and

WHEREAS, it would be in the best interests of the residents of the City for the City to control the appointments of members of the Niagara Falls Water Board and Niagara Falls Water Authority.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby requests our state legislators, Senator Robert G. Ortt and Assemblyman John D. Cerreto to introduce legislation amending the Public Authorities Law to allow for the City of Niagara Falls to appoint all of the members of the Niagara Falls Water Board and the Niagara Falls Water Authority.

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

ADOPTED

Chairman Touma said the Water Board has changed their Chairman & this is a positive move; the Board is hiring an outside consultant to look over their operations; the surplus should be used to reduce rates for the rate payer; 4 out of the 5 Board Members are City residents; checks & balances are important; the City shouldn't control the Water Board.

There being no further business to come before the Council,
Chairman Touma adjourned the Meeting at 8:00 P.M.

Carol A. Antonucci
City Clerk



APRIL 18, 2016

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the April 18, 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 Grandinetti moved to approve the Minutes from the Council Meeting of April 4, 2016.

Yeas

5

Nays

0

APPROVED

Thomas Lowe, Director of ReNU Niagara, gave a Presentation on the return on the City's investment for the volunteers who are part of the Niagara Beautification Commission's Beautify Niagara Project. He thanked the Mayor and Council for their funding and support for the Project.

Assemblyman John Ceretto expressed his support for Agenda Item #13, a Resolution calling for the Water Board to comply with recommendations made by the NYS Controller for use of the surplus found in the Audit. Assemblyman Ceretto also suggested looking into appointing ratepayers to the Water Board.

City Controller Maria Brown and Chairman Touma gave a Presentation on the Council's suggestion for a Casino Spending Plan. The Plan included yearly increases in the amount for Capital Projects/Economic Development/equipment/vehicles/contingency funds. Council Member Grandinetti asked for a spreadsheet showing the spending of Casino interest. Council Member Walker said he would like to see more funds invested in the community such as cleanups, dealing with trees causing damages, etc.

Council Member Tompkins reported on the funding raised and plans made for the Memorial Day Parade, noting that all three branches of the service that were involved in World War Two will be represented in the parade.

In the Administrative Update, Mayor Paul Dyster said that the Pothole Killer will not be used in the 2016 season, and funds will be used elsewhere; hotpatch is now available for use; and the Lockport Street Project is advancing. In response to Council Member Grandinetti's question, the Mayor said that alleys are repaired on an as-needed basis.

Chairman Touma expressed concern that all residents are not aware of the bulk trash pickups that will begin next week, and asked Mayor Dyster to make every effort to get this information out to residents.

Corporation Counsel Craig Johnson distributed copies of a Resolution to be added to the Agenda relative to funding for the Buffalo Avenue Project.

Council Member Grandinetti 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 #16

Council Member Walker moved to Amend the Resolution by changing the reference from RT. 387 to RT. 384.

Yeas	5
Nays	0

MOTION TO AMEND RESOLUTION APPROVED

Council Member Tompkins asked City Administrator Donna Owens for an update on the parking meter project, and she responded that the timeline was the same as she had previously given.

Chairman Touma asked Mayor Dyster about reducing the funding amount to the Niagara Military Affairs Council (Agenda Item #6), and the Mayor said that he had not had a chance to speak to Mr. Cooper about it. The Mayor said that he would pull the Item from the Agenda until he could speak to Mr. Cooper.

Purchasing Agent Johnny Destino spoke on Agenda Item #10, relative to the purchase of carpeting and furniture for the Economic Development and Purchasing Offices. He noted that this will give the Economic Development Office a more professional appearance since what is now in the office is more than 20 years old, and the furniture is being purchased through State contract.

Acting Director of Planning and Economic Development Thomas DeSantis spoke on Agenda Item #14, a Resolution relative to developing a management plan for the Cultural District, and said that he is happy to comply and work with the other partners in developing it. Mayor Dyster added that much of the land is State property, so a working partnership is needed.

Chairman Touma noted that the Conference Center is not charging for it's use by Niagara Falls High School for graduation and rehearsal, so the City can help taxpayers by waiving the parking fees (Agenda Item #15).

This Session ended at 6:05 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 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:

Dan Davis	Agenda Item #14
Lewis BATTERY	Agenda Item #14
Vince Anello	Agenda Item #15
Ron Anderluh	Comfort Station needed at Gill Creek Park; use of Casino Funds; road conditions on 24 th St.; use of Hamister Hotel site for parking; Council Neighbor to Neighbor meetings are a good idea
Gerald Skrlin	Free speech issues; missing funds
Jennifer Garey	TNVR Program
Mike Parsnick	Limits on use of Casino Funds

Roy McDowell	No waiver for City Engineer residency; Mayor should attend Council Meetings; use of digital signs to get information to citizens; DPW should do bulk pickup; NIMAC funding; City should get its fair share of Casino Funds; potholes on 17 th St.
Norma Higgs	City wide cleanup
Jamie Caldwell	Need greater attendance at Council Meetings; spending of Casino Funds; cleanup City; fix roads; Hamister Hotel site for parking
Diane Tattersall	Commended CD Homeownership Auction; commended Council Member Walker for making Code Enforcement a priority

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF MARCH 2016
 Agenda Item #1
 THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF MARCH 2016
 Agenda Item #2
 THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 2016 SIDEWALK REPLACEMENTS, VARIOUS LOCATIONS, YARUSSI CONSTRUCTION INC.

Agenda Item #3

The following is the result of bids received on April 5, 2016 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Yarussi Construction Inc.	\$145,300.00
5650 Simmons Ave.	
Niagara Falls NY 14304	
 Roman Construction Development	 \$177,700.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Yarussi Construction, Inc. Please note that all costs will be totally reimbursable by NYS CHIPS funds.

Presently, the contractor has agreed to extend the unit prices of his bid to utilize both the maximum available CHIPS funding for sidewalks (\$200,000.00), and the usual \$20,000.00 allotment from the Niagara Falls Water Board, obtained via the standard yearly intra-agency agreement. This will allow the City to enter into a contract with Yarussi Construction, Inc. for a total of \$220,000.00 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: 2016 DRAINAGE STRUCTURE REPLACEMENT AND REPAIR PROJECT
(VARIOUS LOCATIONS), MARK CERRONE, INC.

Agenda Item #4

The following was the result of bids received on April 5, 2016, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Mark Cerrone Inc. 2368 Maryland Ave. Niagara Falls NY 14305	\$378,957.00
Yarussi Construction Inc.	\$387,357.00
J.R. Swanson Plumbing Co. Inc.	\$499,294.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Mark Cerrone, Inc. at their Base Bid of \$378,957.00. Please note that this amount is funded by a combination of both CHIPS (\$208,105.00) and Casino Revenue (\$170,852.00) sources. Funding is available in codes H0315.2015.0315.0449.599 and H0621.2006.0621.0300.000 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

Chairman Touma said some of this funding is coming from Casino Funds and in the future consider having the Water Board contribute to these types of costs.

CONTRACT: BRIDGE PROGRAM, CONSULTANT SERVICES, BRIDGE WASHING & SEALING, MAINTENANCE, CHA CONSULTING, INC.

Agenda Item #5

Based upon the New York State Department of Transportation standard merit selection procedure, CHA Consulting Inc. has been selected as the City's consultant for the above referenced program.

Funding for the Construction Inspection component is federally eligible at the standard 80% Federal and 20% Local reimbursement procedure.

It is the recommendation of the undersign that the Project Proposal, Design report, Final Plans & Specs and Construction Administration & Inspection be awarded to CHA Consulting Inc. at the proposed price of \$20,000.00.

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

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

Yeas

5

Nays

0

APPROVED

Chairman Touma said 100% of the construction costs are reimbursable to the City.

CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #6

THIS ITEM WAS PULLED FROM THE AGENDA

THERE WAS NO ACTION TAKEN ON THIS ITEM

BUFFALO AVENUE: PHASE II PROJECT, REPAVING, FUNDING

Agenda Item #7

The repaving project for the portion of Buffalo Avenue from Interstate 190 to Cayuga Drive is scheduled to be bid later this year.

This is a federally funded highway project in which the City is responsible for 20% of the cost.

There are funds available from the Buffalo Avenue Phase I project which can be re-appropriated to fund the local share of this project.

It is therefore recommended that the Council vote to re-appropriate the sum of \$645,000.00 to fund, in full, the local share of the Buffalo Avenue Phase II project.

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

Chairman Touma said this Project is long overdue for the Buffalo Ave. Businesses located there, and the Project will be completed this year.

CODE ENFORCEMENT: EXPENSES OCCURRED IN REPAIR, DEMOLITION OR BOARD OF STRUCTURES WITHIN THE CITY

Agenda Item #8

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

Yeas

5

Nays

0

APPROVED

Chairman Touma said he would like the Council to be kept updated on reimbursements for these expenses.

CONTRACT: HIGHLAND BUSINESS PARK SERVICE CONTRACT, LABELLA ASSOCIATES,
FUNDING

Agenda Item #9

The City currently has previously earmarked economic development funds for the "Highland Business Park Project." The initial step was the purchase of the former Union Carbide Facility at 3625 Highland Avenue, of which \$272,724 remains. The project has a budget line of \$50,000; for Acquisition, Demolition, Building Renovations, Remediation, Architectural, Engineering and Marketing.

While some general clean up has been carried out by city forces up until now, progressing the Project requires that a series of work activities, both professional and contractual, be undertaken to get the property "market ready." LaBella Associates, D.P.C. is an Engineering, Architecture, Environmental and Planning firm that has worked on previous with the City Brownfield planning efforts and is currently working on the Buffalo Avenue Brownfield Opportunity Area planning project. Based on this record of performance, LaBella Associates was solicited to provide professional design and construction management services for the upcoming phases of work at 3625 Highland Avenue, relative to achieving the goals of making the property market ready and encouraging its re-development into the Highland Business Park, per the Highland Area BOA Plan.

The scope of work to be performed by LaBella Associates will specifically address: roofing, structural elements, safety maintenance items, to make sure that the buildings are weather tight and ready for future tenancy and includes the following services:

- Engineering and Design Services
- Preparation of contract and bid specifications, and related construction documentation in stabilizing and upgrading the three buildings.
- Site work documents and specifications to ensure proper cleanup of the site.
- Construction Management Services during construction/renovation activities.

The cost of the services to be provided by LaBella to the City will be:

- Engineering and Design Services (Bid Documents and Specifications).... \$8,460
- Construction Inspection and Management..... \$4,320

Funding for the contract is available from previously earmarked economic development funds, which would provide to the City the \$259,944 balance of its commitment to the project. (Letter from LaBella on file in the City Clerk's Office)

Will the Council approve and authorize the Mayor to execute the necessary agreements, in the 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

ECONOMIC DEVELOPMENT/PURCHASING OFFICE, CARPET & FURNITURE, FUNDING

Agenda Item #10

The Purchasing Agent advises that it is necessary to install new carpeting in the Offices of Economic Development and Purchasing, as it is worn, stained and mismatched. Attempts to remediate and clean the carpeting in-house proved unsuccessful.

Additionally, it is necessary to purchase new workstations for the MIS Department as the cubicles that were being used are no longer useful or safe given their age and condition. The workstation furniture is available on state contract.

Three estimates are being obtained for the carpeting by the Purchasing Agent and the total cost of the purchases is not-to-exceed \$21,137.29. Funding is available from casino interest.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: BRACERO, RAYMOND A.

Agenda Item #11

Date Claim Filed:	October 15, 2015
Date Action Commenced:	N/A
Date of Occurrence:	October 14, 2015
Location:	Intersection of Ferry Avenue and Hyde Park Boulevard
Nature of Claim:	Automobile damage sustained during grass trimming
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$275.00
Make Check Payable to:	Raymond A. Bracero
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: EDMONDSON, DAQUAN

Agenda Item #12

Date Claim Filed:	September 8, 2015
Date Action Commenced:	N/A
Date of Occurrence:	September 1, 2015
Location:	1100 block of Haeberle Avenue
Nature of Claim:	Automobile damage sustained in accident with city vehicle
City Driver:	Micah Carey
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1, 170.50
Make Check Payable to:	DaQuan Edmondson
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: WATER BOARD, COMPLY WITH RECOMMENDATIONS BY THE OFFICE OF THE STATE COMPTROLLER, 2016-36
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, the State of New York Office of the State Comptroller (the "State Comptroller's Office") recently conducted an audit of the NFWB to determine if the NFWB is managing NFWB finances in accordance with the governing agreements and the New York State Public Authorities Law; and

WHEREAS, the State Comptroller's Office recently released its report on this audit which is dated March, 2016; and

WHEREAS, the State Comptroller's Office found that there was excess cash in the NFWB's debt service fund and recommended, among other things, that the excess cash be utilized by the NFWB for "capital projects, for repairs, or to reduce the water and sewer rent rates charged to ratepayers.

NOW, THEREFORE, BE IT RESOLVED by this City Council that the NFWB immediately take steps to implement the recommendations of the State Comptroller's Office, a copy of which recommendations are attached hereto (on file in the City Clerk's Office) and contained on Page 9 of the report issued by the State Comptroller's Office and, in particular, that the NFWB "use the excess cash in the debt service fund for capital projects, for repairs or to reduce the water and sewer rent rates charged to ratepayers"; and

BE IT FURTHER RESOLVED that the NFWB determine that the 72nd Street water main project repairs/replacements undertaken and paid for by the City of Niagara Falls in 2015 be deemed a capital project suitable to be paid for with the excess cash in the Debt Service Fund and take immediate steps to reimburse the City of Niagara Falls for the entire cost of this capital project i.e. approximately \$939,650.00 plus costs incurred by the City's consultant engineer; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Niagara Falls Water Board and the Niagara Falls Water Authority; and

BE IT FURTHER RESOLVED that the NFWB respond to this City Council within thirty (30) days as to whether or not it will comply with these requests.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: CULTURAL DISTRICT, MANAGEMENT PLAN, 2016-37

BY: COUNCIL MEMBERS SCOTT, TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #14

WHEREAS, the State and City agreed to establish a Cultural District in a 2006 City/State Memorandum of Understanding; and

WHEREAS, the Cultural District is the second BIG MOVE in the City's Comprehensive Plan; and

WHEREAS, the Cultural District has the potential to become a transformational project on the scale of Canal side; and

WHEREAS, the Cultural District is a Public/Private development recommended to include: The Niagara Experience Center, an amphitheater and a Rustic Inn, as well as suggestions for an Interpretive Park including a replica of the Hydraulic Canal; and

WHEREAS, the Cultural District is defined in the 2009 Gorge Corridor Scoping Process as being located between Main Street and Cedar Avenue, and bordered by the Niagara Gorge and Third Streets with direct access from State Parks; and

WHEREAS, the Robert Moses Parkway is being removed and is not an interference once Whirlpool is reconstructed and reopened to traffic; and

WHEREAS, the Cultural District is Historic in nature, as it includes the Old Mill District, The Schoellkopf Power Plant and the terminus of the Hydraulic Canal.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York, does hereby respectfully request the Mayor and his administration form a committee and consult with the State of New York to develop a management plan for the Cultural District, including but not limited to those amenities as proposed by the City's 2009 Comprehensive Plan.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PARKING FEES, WAIVER, 2016-38

BY: COUNCIL MEMBERS GRANDINETTI, TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #15

WHEREAS, Niagara Falls High School will hold its 2016 Graduation ceremony on Saturday, June 25, 2016 from 12:00 - 2:00 p.m., and its rehearsal ceremony on Friday, June 24, 2016 from 8:30 a.m. - 12:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that the City of Niagara Falls does hereby waive parking fees in the Third Street city parking lot and downtown parking ramp for persons attending the Niagara Falls High School graduation and rehearsal events, scheduled for Saturday, June 25, 2016 from 12:00 p.m. - 2:00 p.m., and Friday, June 24, 2016 from 8:30 a.m. - 12:00 p.m., respectively (letter on file in the City Clerk's Office).

Yeas

4

Grandinetti, Scott, Tompkins, Walker

Nays

0

Abstain

1

Chairman Touma

ADOPTED

Chairman Touma said there is no cost to the School District for this use of the Conference Center and waiving the Parking Fees would also be a service to the taxpayers.

RESOLUTION: BUFFALO AVENUE PROJECT, FUNDING, AMENDING, 2016-39

Agenda Item #16

WHEREAS, a Project for the NY RT. 384 Buffalo Avenue from I-190 Niagara Expressway to Cayuga Drive, P.I.N. 5757.16 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and Construction/Construction Inspection phases;

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

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

RESOLVED, that the City Council hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and non-Federal share of the cost of Preliminary Engineering and Construction/Construction Inspection phases

RESOLVED, that the sum of \$3,450,000.00 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full Federal and non-Federal share costs of the Project exceeds the amount appropriated above, the City Council of Niagara Falls shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

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

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

RESOLVED, this Resolution shall take effect immediately.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:15 P.M.

Carol A. Antonucci
City Clerk



MAY 2, 2016

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the May 2, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:12 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, 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 Council Meeting of April 18, 2016.

Yeas	5
Nays	0
APPROVED	

Council Member Walker moved to amend the Agenda to vote on Item #11 at this time.

Yeas	5
Nays	0
MOTION TO AMEND AGENDA APPROVED	

RESOLUTION: ARMENIAN REMEMBRANCE DAY, 2016-40
BY: ALL COUNCIL MEMBERS

Agenda Item #11

WHEREAS, the Armenian Community of Western New York gathered at Oakwood Cemetery to offer memorial prayers for the more than 600 descendants of their, parents, grandparents and others who escaped the Genocide of the Armenian people in 1915; and

WHEREAS, the Armenian Genocide, resulted in the deaths of approximately 1.5 million members of the Armenian minority in the Ottoman Empire through forced exile and murder; and

WHEREAS, 2015 marked the one-hundredth year anniversary of the beginning of this horrific international tragedy; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby remember the victims of the 1915 Armenian Genocide and encourages the citizens of Niagara Falls to work to advance the values of tolerance and freedom in our city, country, and world.

Yeas	5
Nays	0
ADOPTED	

Council Chairman Touma read the Resolution and the Council Members presented a copy of the Resolution to members of the Armenian Community.

Mayor Dyster asked Deputy Corporation Counsel Chris Mazur to speak on the Health Care Consortium. Mr. Mazur stated that any changes have to be done through the Health Care Committee, and the Committee didn't take any action last year on joining the Consortium. Daniel M. Engert of the Health Care Consortium gave a Presentation. The Consortium consists of 26 Municipal participants in Niagara County who receive greater benefits. He would like to bring in the Labor Units. He stated that Article 47 Consortium is the only Health Care Model in New York State. The cost reduction is the prime motivator for the program and participants need to work together to manage costs. The excess funds stay in the Consortium. The plan requires 2000 members, which they have, and Union representation is required. He stated Phase 1 is complete, and the next Phase will be bringing in unions for their input.

Chairman Touma asked Chris Mazur to address any questions. Mr. Mazur stated any changes have to be done by the Health Care Commission, a 2/3 majority is needed, and then it is presented to the Council for approval. Chairman Touma noted that the Council can vote to invest the \$1,000 for a feasibility study by the Consortium without the approval of the Health Care Commission, and a lengthy discussion followed.

Acting Director of the Public Works John Caso, and SWEET Program Coordinator Brook D'Angelo gave a Presentation on Electronic Recycling. The Collection Tracking System Form is filled out by the DPW worker and the resident dropping off the equipment. They spoke about the list of items that are acceptable. Chairman Touma discussed forming a Recycling and Refuse Committee to get the news out about this to the Public, and Mr. Caso & Ms. D'Angelo both agreed on this.

Council Member Tompkins asked why the position involved for the reorganization of the Purchasing Division (Agenda Item #2), was advertised in the papers when it wasn't approved yet. Director of Human Resources Ruby Pulliam stated this position was created and approved by the Civil Service Commission at the request of the Purchasing Department Head. The job announcement was to receive applications. A discussion with Purchasing Agent Johnny Destino and the Council continued. Council Member Walker asked if the person is doing the work of the Purchasing Clerk, and Mr. Destino stated additional duties, including previous duties of the former worker, would be done by the new hire.

Chairman Touma asked Mr. Caso, if there was a savings in salt for the year. Mr. Caso will let him know, and he added that the extra salt can be used next year.

Chairman Touma read a letter from the Regional Traffic Engineer that the speed limit in front of Hyde Park Elementary School will be established at 25 mph and signs will be installed.

Chairman Touma asked Civil Engineer III Robert Buzzelli if the Parking Meters were still on track, and Mr. Buzzelli responded that they will be installed by early June as scheduled.

Corporation Counsel Craig Johnson distributed copies of an item to be added to the Agenda relative to purchase and delivery of trees for Beech Avenue from Schichtel's Nursery.

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

Yeas

5

Nays

0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #21.

Chairman Touma thanked the Mayor for reducing the City's contribution to NIMAC by \$10,000 (Agenda Item #7) and said that he is very appreciative of this.

Chairman Touma stated he has never received as many glowing references for 1 person as he did for Mrs. Tavano as a member of the Municipal Civil Service Commission (Agenda Item #17)

For Agenda Item #18, relative to amounts to be charged for duplicate tax and water/sewer bills, Council Member Grandinetti moved to remove the Item from the Table, and Chairman Touma seconded the motion.

Yeas 5
Nays 0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

A discussion followed between the Council Members.

Council Member Walker moved to amend Item #18 to add the effective date of July 1, 2016, and adding at the end "except in owner occupancy". Council Member Tompkins seconded the motion.

Yeas 5
Nays 0

MOTION TO AMEND APPROVED

This Session ended at 6:30 PM

Chairman Touma reconvened the Meeting at 6:50 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Jamie Caldwell	Agenda Items #16, #18
Vince Anello	Agenda Items #5, #18
Ron Anderluh	Parking Meters downtown Niagara Falls; DPW manning service lots
David Keegon	Introduced himself as Assemblyman John Ceretto's new Legislative & Constituent Coordinator
Francisco Fernandez	City losing money
Gerald Skrlin	Free speech; 1 st amendment
Bob Belton	Road repairs; water between layers on roads that are being resurfaced is not good
Merle Smouse	Blight; City codes; Bed & Breakfast codes need to be reduced & enforced; illegal motels/hostels
Jamie Caldwell	City getting robbed blind; Niagara Falls is one of the most beautiful cities in the World; 72 nd St.; City Engineer; Hamister Hotel; Train Station; road conditions
Vince Anello	What amount increase over last years Budget are you willing to tolerate; union contracts; City Workers contract regressing; Health Insurance

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BUFFALO AVENUE REPAVING, CONSULTANT SERVICES, C & S ENGINEERS

Agenda Item #1

A contract for the above reference project was awarded to C & S Engineers, Inc. on July 23, 2007 for professional services and design related tasks.

Change Order #3 is composed of two separate items. The first item is associated with the additional scope tasks associated with the consultant finishing the final design, submitting the PSE to the NYSDOT and creating final Construction Documents (Plans & specifications). The tasks listed were not originally included in the consultants provided services.

- Preliminary Design Alternatives
 - Extension to DOT I-190 Project limits (preliminary design)
 - Add Alternates
 - Extension to DOT I-190 Project limits (final design)
 - Sign Text Data Drawings
- Total for additional Final Design Tasks \$23,487.46

The second item of this Change Order is to add funding for the tasks associated with Construction Support and Construction Inspection Services and related Direct Non-Salary Cost to the consultant current contract.

Total for Additional Construction Support/Inspection Services
\$249,000.00

Therefore it is the recommendation of the undersign that Change Order #3 in the amount of \$272,487.46 be approved.

Please note that the City is receiving and will continue to receive a 80% reimbursement of all project cost from the NYSDOT through the Federal Highway Administration Funding, with an additional 15% reimbursement via the New York State Marchiselli Aid Fund for this project.

Existing funding is available through the original funding Code H0610.2006.0610.000 and the remaining funds transferred to Code H0634.2006.0634.0449.599 previously approved by City Council for this project.

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

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

Yeas 5
Nays 0

APPROVED

PURCHASING DIVISION: REORGANIZATION

Agenda Item #2

The City's Purchasing Director advises that the Purchasing Division has a vacancy resulting from an employee transferring to another department. This presents an opportunity to create a new position with additional duties and responsibilities which will allow the Department to operate in a more efficient manner. The new position is entitled "Administrative Assistant - Purchasing." The new title and job description was prepared and approved by the Niagara Falls Civil Service Commission.

This reorganization results in a savings of \$128.99. Attached (on file in the City Clerk's Office) is the proposed reorganization of the Purchasing Division.

Will the Council so approve?

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

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

DEFEATED

Council Member Tompkins asked why it was in the papers before it was approved & if this is a new position.

Council Member Walker asked if this person, even with the upgrade, is doing work as Purchasing Clerk.

Chairman Touma stated that Purchasing already has a Grade 20 Purchasing Agent & is now looking to upgrade the vacancy to Grade 19 with a \$10,000 increase from Step 12 to Grade 19 & the Department can function with a Grade 12.

CONTRACT: TROLLEY SERVICE, NFTA

Agenda Item #3

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 13, 2016 and conclude October 30, 2016. During the month of May, 2016, from May 13, 2016 through May 31, 2016, the Trolley Service will operate on weekends only (Friday, Saturday and Sunday) plus May 30, 2016. Trolley service from June 1, 2016 through September 30, 2016 will be on a daily basis. From October 1, 2016 through October 30, 2016, trolley service will be on weekends only (Friday, Saturday, Sunday). From November 1, 2016 through December 31, 2016, NFTA validated passes may be utilized for all metro routes. The cost to the City for this service will be \$560,000. 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 balance.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

POLICE DEPT.: GUN INVOLVED VIOLENCE ELIMINATION GRANT

Agenda Item #4

The Superintendent of Police advises that the Niagara County law enforcement agencies, including the City of Niagara Falls Police Department ("NFPD"), have been awarded a Gun Involved Violence Elimination ("GIVE") grant in the amount of \$696,367.00 to support targeted firearm and violent crime reduction efforts. Attached hereto is a communication from the DCJS outlining the details of this GIVE grant. The NFPD's share of this grant is \$349,115.00 and will be spent as per the attached budget (on file in the City Clerk's Office).

Will the Council accept this grant and authorize the Mayor to execute any required documentation and/or agreements in order to accept the grant provided the same are in form and content 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 Chairman Touma said the Superintendent & his team should be applauded for their continuance to get Grants.

CONTRACT: POLICE DEPT., POLICE CAPTAINS AND LIEUTENANTS ASSOCIATION,
MEMORANDUM OF UNDERSTANDING

Agenda Item #5

As you know, between November 2010 and November 2015, the City of Niagara Falls was a party to a Stipulated Order of Consent with the New York State Office of the Attorney General which required the City to undertake the review and reform of its Police Department policies and procedures. Overall, this process has been a success in that the Police Department has significantly strengthened its policies in the areas of diversity, community policing and use of force and have made a positive impact both in the department and with the general public. These benefits were noted by the office of the Attorney General at the conclusion of the Consent Order.

Unfortunately, in order to implement the departmental changes within the time period required by the Office of the Attorney General, there was no opportunity to negotiate those changes with the City's two Police Unions as required by the Taylor Law. Conflicts arose with the unions in areas where the new departmental practices conflicted with terms contained in their Collective Bargaining Agreements with the City. As a result, the New York State Public Employment Relations Board recently ruled that the City committed an improper practice in a proceeding brought by the Niagara Falls Police Club and supported by the Niagara Falls Police Captains and Lieutenants Association. PERB directed the City to rescind a number of the policy changes made pursuant to the Consent Order; however, doing so would put the City back into the same position that it was in prior to the Consent Order in 2010.

Instead of taking a step backwards, the City met with both the Police Captains and Lieutenants Association and the Police Club to discuss the impact of the PERB decision on the new departmental policies. With encouragement from the Office of the Attorney General, I am pleased to announce that these discussions have been fruitful and that, with cooperation from the unions, the City will be able to continue to utilize the positive policy changes brought about through the Consent Order.

The Agreement that has been attached (on file in the City Clerk's Office) for your consideration is a product of the desire of both the City and the Police Captains and Lieutenants Association to continue the advancement of the Police Department has made in the last five years while maintaining a continuing commitment for agreements reached through collective bargaining. The attached Memorandum of Understanding will accomplish the following:

1. To adequately compensate each member of the PCLA for their role in implementing the Consent Order;
2. To reaffirm the commitment of both parties to the spirit of collective bargaining by allowing the parties to mutually develop departmental policies as required by PERB, and;
3. Allow the City to keep in place the departmental reforms brought about over the last five years without interruption.

While the proposed Agreement will result in a modest financial impact, the provisions of the same allow for a deferral of payments to allow the City financial flexibility over a period of years. However, this financial impact is more than offset by the City's commitment to protect the constitutional rights of our citizens and the promotion of safe and efficient police practices.

Will the Council so approve?

Council Member Walker moved that the communication be Tabled.

Yeas 3

Scott, Tompkins, Walker

Nays 2

Grandinetti, Chairman Touma

TABLED

Motioned was seconded by Council Member Tompkins.

Council Chairman Touma said this is obviously a very detailed item.

EMPIRE STATE DEVELOPMENT: 3625 HIGHLAND AVE., INCENTIVE AWARD

Agenda Item #6

Attached (on file in the City Clerk's Office) is the award letter from Empire State Development for a state incentive of up to \$500,000.00 towards the projected 1.5 million dollar cost of the construction and renovation of the 3625 Highland Avenue properties.

Will the Council approve the acceptance of the award and authorize the Mayor to execute the award letter and any other documents necessary to effectuate the award?

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

Yeas

5

Nays

0

APPROVED

NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #7

The City has been asked once again by the NIMAC to contribute funds to NIMAC to assist it in it's efforts aimed at securing the future of the Niagara Falls Air Reserve Station. As you know, the Niagara Falls Air Reserve Station is Niagara County's largest public employer. NIMAC is requesting the City to contribute funds to retain this important asset and the 3,000 plus jobs it represents in Niagara.

Attached hereto (on file in the City Clerk's Office) is a letter from NIMAC in this regard. \$30,000.00 is available this year for this purpose.

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

Yeas

5

Nays

0

APPROVED

Council Chairman Touma thanked the Mayor for reducing the amount funded by \$10,000.

Mayor Dyster said the City is more responsible than others.

Chairman Touma said other entities should step up to support NIMAC.

PURCHASE: SMALL EQUIPMENT, PUBLIC WORKS

Agenda Item #8

The City's Acting Director of Public Works advises that it is necessary to replace several pieces of small equipment that are heavily used during the spring and summer seasons. The equipment is past its normal useful life and it would be appropriate to be replaced with new equipment (cost of equipment on file in the City Clerk's Office).

Three estimates are being obtained for the small equipment by the Department of Public Works and the Purchasing Agent and the total cost of the purchases is not-to-exceed \$27,328.48. Funding is available from casino interest.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: MILLER, DAWN

Agenda Item #9

Date Claim Filed:	May 30, 2014
Date Action Commenced:	February 26, 2015
Date of Occurrence:	February 28, 2014
Location:	2105 Jerauld Avenue
Nature of Claim:	Damages suffered during execution of search warrant
City Driver:	N/A
Status of Action:	Litigation Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$24,500.00
Make Check Payable to:	Hogan Willig, as attorneys for Dawn Miller
Conditions:	Stipulation of Discontinuance and Release to City approved by Corporation Counsel.

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

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

Yeas	5
Nays	0

APPROVED

CLAIM: KETCH, VICTOR C.

Agenda Item #10

Date Claim Filed:	December 28, 2015
Date Action Commenced:	N/A
Date of Occurrence:	December 16, 2015
Location:	236 62 nd Street
Nature of Claim:	Property damage sustained during tree removal
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,327.17
Make Check Payable to:	Victor C. Ketch
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	4
Grandinetti, Scott, Walker, Chairman Touma	
Nays	0
Abstain	1
Tompkins	

APPROVED

RESOLUTION: BEST MEN IN ENTERTAINMENT, HONORING, 2016-41
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, the City of Niagara Falls, New York wishes to thank Mr. Cedric "The Entertainer" Kyles, Mr. Eddie Griffin, Mr. D.L. Hughley, Mr. George Lopez and Mr. Charlie Murphy for their contribution to the kick-off celebration for Childhood Cancer Awareness with Shawn "Baby Shawn" Kennedy at the First Niagara Center; and

WHEREAS, Mr. Cedric "The Entertainer", Mr. Eddie Griffin, Mr. D.L. Hughley, Mr. George Lopez and Mr. Charlie Murphy's commitment, dedication and love for many phases of life obstacles plays a pivotal role in the Niagara County Region. Their successful efforts and commitment has helped many children in the community; and

WHEREAS, the best men in entertainment are forever thanked from the City of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED, that we, the Niagara Falls City Council does hereby honor the best men in entertainment. They are multi-talented entertainers that has touched the lives of many people throughout the entire world.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: VETERANS MEMORIAL COMMISSION, REQUEST FOR FUNDING
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #13

THIS ITEM WAS PULLED

THERE WAS NO ACTION TAKEN ON THIS ITEM

RESOLUTION: NF EDUCATION FOUNDATION 2016 DISTINGUISHED & EMERGING
LEADER ALUMNI HONOREES, 2016-42
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, the Niagara Falls Education Foundation will hold its 6th Annual Scholarship & Alumni Recognition Dinner on April 28, 2016 at Antonio's Banquet & Conference Center, 7708 Niagara Falls Blvd; and

WHEREAS, this event recognizes the strength of the Niagara Falls School District and the outstanding graduates who have made their marks in professional endeavors and affected their community for the better; and

WHEREAS, the following individuals are the 2016 Distinguished & Emerging Leader Alumni honorees:

Jerry Wolfgang, NFHS Class of 1955 - Distinguished Alumni
Joseph "Chubby" Marinello, Sr., NFHS Class of 1960 - Distinguished Alumni
Earl Bass, NFHS Class of 2006 - Emerging Leader

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby extend its congratulations on behalf of all the citizens of the City of Niagara Falls.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: NIAGARA TOURISM & CONVENTION CORP'S. "DAY OF APPRECIATION"
EVENT, WAIVER OF FEES, 2016-43
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, On May 4, 2016, the Niagara Tourism and Convention Corporation ("NTCC") is hosting a free event at the Conference Center recognizing the hospitality and tourism community employees who work in that industry in the City of Niagara Falls; and

WHEREAS, this event is called a "Day of Appreciation" and will take place on May 4, 2016 from 11:30 a.m. - 3:00 p.m.; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby waive parking fees on May 4, 2016 for hospitality and tourism community employees attending the "Day of Appreciation"; and

BE IT FURTHER RESOLVED, that this waiver of fees for parking will apply in the City owned lot at Rainbow and Third Street (letter on file in the City Clerk's Office) and the surface lot at Third Street and Niagara Street on May 4, 2016 from 11:30 a.m. - 3:00 p.m.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: LASALLE PREP SCHOOL, USE OF OASIS, WAIVER OF FEES, 2016-44
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, the City has received a request (On File in the City Clerk's Office) from a Special Education teacher from the NFCSD to waive the fee charged by DPW for use of the Oasis to allow for a group of ninety-six students with multiple disabilities, some of whom are in wheelchairs, and a variety of other handicapping disabilities, to picnic at the Oasis on Tuesday, June 7, 2016 from 9:30 a.m. to 1:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby waive fees for the picnic planned on June 7, 2016 from 9:30 a.m. to 1:00 p.m. at the Oasis at Hyde Park which will be attended by disabled students from LaSalle Preparatory School.

Yeas

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Nays

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ADOPTED

RESOLUTION: MUNICIPAL CIVIL SERVICE COMMISSION, REAPPOINTMENT, 2016-45
BY: COUNCIL MEMBERS, SCOTT, TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #17

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Municipal Civil Service Commission, effective May 31st, 2016, for the term expiring on the date which appears opposite her name:

REAPPOINTMENT:

TERM EXPIRES:

Josephine A. Tavano
953 Lafayette Ave
Niagara Falls, NY 14305

05/31/2022

Yeas

4

Scott, Tompkins, Walker, Chairman Touma

Nays

1

Grandinetti

ADOPTED

RESOLUTION: TAX BILLS/WATER AND SEWER BILLS, DUPLICATES, 2016-46
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #18

WHEREAS, the City's Billing and Collection Office causes City, County and School tax bills to be sent to each taxpayer in the City, and the Niagara Falls Water Board ("NFWB") causes water and sewer bills to be sent to each taxpayer in the City; and

WHEREAS, taxpayers regularly come to the Billing and Collection Office to pay tax bills and water and sewer bills, but some are not in possession of the actual bill that the Billing and Collection Office or the NFWB sent to them to pay; and

WHEREAS, when taxpayers come to the Billing and Collection Office to pay a tax bill or water and sewer bill and are not in possession of the actual bill, it is necessary for personnel in the Billing and Collection Office to make duplicate tax bills and duplicate water and sewer bills, as the case may be, so those taxpayers can pay their tax bills and water and sewer bills; and

WHEREAS, it requires staff time and paper in order for staff in the Billing and Collection Office to generate duplicate bills, which has proven to be a time-consuming and costly task.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City Council does hereby impose a charge of \$2.00 for each duplicate tax bill and/or duplicate water and sewer bill that must be generated by the Billing and Collection Office staff in order to process those tax and water and sewer bill payments.

Yeas

5

Nays

0

ADOPTED

Council Chairman Touma seconded to Remove from the Table.

Council Member Tompkins seconded to Amending the Item.

Amendment is to have an effective date for charges & except for a single duplicate produced for an owner occupant.

RESOLUTION: MEMORIAL DAY PARADE, CITY AS CO-SPONSOR, 2016-47
BY: ALL COUNCIL MEMBERS

Agenda Item #19

WHEREAS, the 2016 Memorial Day Parade in the City of Niagara Falls is scheduled to take place on Saturday, May 28, 2016; and

WHEREAS, in prior years, the City has served as a co-sponsor of this City wide community event; and

WHEREAS, the City wishes to participate in 2016's Memorial Day Parade as a co-sponsor and contribute certain "in kind" services to this event.

NOW, THEREFORE, BE IT RESOLVED that this City Council hereby declares the City to be a co-sponsor of the 2016 Memorial Day Parade; and

BE IT FURTHER RESOLVED that the City contribute to the Memorial Day Parade the necessary support from the Niagara Falls Police Department, the Niagara Falls Fire Department, and the Department of Parks and Public Works as may be required; and

BE IT FURTHER RESOLVED that the City make its bandstand available for the parade event as may be reasonably required by organizers of the 2016 Memorial Day Parade event.

Yeas

5

Nays

0

ADOPTED

Council Member Tompkins said if it wasn't for the City helping with this Parade, I don't know if we would be able to pull it off. Thankful for the City in helping out.

RESOLUTION: CITY OFFICIAL MAP, DEDICATION OF PUBLIC ROADWAY AREAS,
2016-48

BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, this City Council received a memorandum from City Administrator Donna D. Owens dated March 11, 2016 requesting that the City Council dedicate as public roadway areas for vehicular and pedestrian access from First Street to a parcel of City owned property under contract (the "Property") to be sold to the owner of the Sheraton Hotel which also connects to the Property in a westerly direction from Third Street; and

WHEREAS, a copy of the memorandum from the City Administrator to the City Council without Exhibits is attached hereto together with legal descriptions of the areas to be dedicated as public roadways; as well as a survey showing the same; and

WHEREAS, pursuant to Section 81-e of the City Charter, any such change in the official map of the City showing streets must first be the subject of a public hearing held on at least ten (10) days notice which shall be given by publication in the official newspaper of the City and shall also be subject to a report by the Planning Board; and

WHEREAS, the Planning Board reviewed this matter and recommended approval of the dedicated public roadway areas during its meeting held on April 13, 2016. A copy of the Planning Board recommendation is attached hereto (on file in the City Clerk's Office).

NOW, THEREFORE, this City Council does hereby direct that a public hearing be held during the regularly scheduled City Council meeting at 6:00 p.m. on May 16, 2016, the subject of which shall be the dedication of these areas as public roadways as well as corresponding changes to the official map of the City and that notice of such public hearing be published in the Niagara Gazette no later than May 5, 2016.

Yeas

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Nays

0

ADOPTED

CONTRACT: BEECH AVENUE PARK, PURCHASE/DELIVERY OF TREES, SCHICHEL'S NURSERY, INC.

Agenda Item #21

In 2012, the City of Niagara Falls agreed to sell, and Brightfields, LLC, agreed to purchase the real property formerly known as Tract-1 and Tract-2.

As part of the considerations contained within that Real Estate Purchase and Sale Agreement, and subject to completion of environmental remediation, Brightfields, LLC is to expend no less than \$250,000 in the construction of a 5-acre parcel for future park land, such construction to include final grading and seeding this spring. In addition to remediation costs, Brightfields, LLC has already expended in excess of the required \$250,000.00 for the new park land.

As the City is responsible for any and all future improvements made to the real property, also referred to as Beech Ave Park, it is purchasing trees for planting on site. Brightfields, LLC has agreed to cover installation as part of their final grading and seeding work on site this spring. In this way new trees and ground cover at the site can be installed in proper sequence, at lower cost, and more importantly in the same planting season.

Schichtel's Nursery, Inc. is the selected nursery vendor. Cost to purchase and deliver 60 trees, of various types, not to exceed \$12,000. See attached schedule (on file in the City Clerk's Office), dated April 29, 2016.

Funding was approved previously for Beech Ave Park Improvements and is available from H1318.2014.1318.0449.599.

Will the Council approve and authorize the Mayor to execute the necessary agreements, in the form acceptable to the Corporation Council?

Council Member Walker 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 Touma adjourned the Meeting at 7:45 P.M.

Carol A. Antonucci
City Clerk



MAY 16, 2016

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

The first session of the May 16, 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 Grandinetti moved to approve the Minutes from the Council Meeting of May 2, 2016

Yeas	5
Nays	0
APPROVED	

Council Member Grandinetti moved to amend the Agenda to vote on Item #14 at this time.

Yeas	5
Nays	0

MOTION TO AMEND AGENDA APPROVED

RESOLUTION: O'DONNELL, THOMAS M., RECOGNITION, 2016-49
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, the Honorable Jacqueline Koshian served with particular distinction as the first female member of the Corporation Counsel's office and the first female City Court Judge in the City of Niagara Falls; and

WHEREAS, in addition to her exceptional level of skill as both an attorney and a jurist, Judge Koshian was also well known for her efforts to promote the legal profession and her work with numerous charitable and not-for-profit organizations; and

WHEREAS, the Niagara County Bar Association annually awards The Hon. Jacqueline Koshian Service Award to an attorney who embodies Judge Koshian's legacy by promoting the legal profession and performing charitable work; and

WHEREAS, First Deputy Corporation Counsel Thomas M. O'Donnell has provided over twenty-five years of service in the Corporation Counsel's office and has also donated significant amounts of his time to charitable and not-for-profit organizations, including the Ancient Order of Hibernians, the Boy Scouts of America and the Old Fort Niagara Association amongst others; and

WHEREAS, on May 6, 2016, the Niagara County Bar Association presented The Hon. Jacqueline Koshian Service Award to Thomas M. O'Donnell in recognition of his service to both the legal profession and charitable entities.

NOW THEREFORE BE IT RESOLVED, that First Deputy Corporation Counsel Thomas M. O'Donnell be recognized for receiving this prestigious award and for his outstanding service to the City and the community.

Yeas	5
Nays	0

ADOPTED

Chairman Touma read the Resolution and the Council Members presented a copy of the Resolution to Mr. O'Donnell.

Purchasing Agent Johnny Destino spoke on Agenda Item #8, relative to awarding the Bid for the Landscaping of Medians. He gave a Presentation on the plants that will be used, and said that the City is working with the Water Board to bring water lines to the areas to be planted.

Community Development Director Seth Piccirillo spoke on the 2016 Parks and Youth Projects, giving a Presentation on new equipment/upgrades for the Parks in the City and the Skate Park, and thanked the Council for their support. Mayor Paul Dyster commended Mr. Piccirillo on his efforts to make the City Parks more attractive for our residents. Council Member Walker inquired about maintenance duties at the new Skate Park, and Mr. Piccirillo responded that the Park would not require too much maintenance, but DPW employees would take care of it. Civil Engineer III Robert Buzzelli spoke on the playground installation at D'Amelio Park (Agenda Item #17). Council Member Walker asked about repairs to the fence at that Park, and Deputy Corporation Counsel Thomas O'Donnell said that he would check into the insurance company providing funding for the repairs.

Mayor Dyster reported that the City is in contact with the Seneca Nation of Indians regarding the Nation's gas station Project, and Chairman Touma added that the Council would be adopting a Resolution to ask that the Project be stopped (Agenda Item #20).

Council Member Tompkins inquired about the parking meters, and City Administrator Donna Owens responded that the meters would be delivered today, and are scheduled for installation on May 19.

Chairman Touma reported that he and Mayor Dyster had met with Niagara Helicopter regarding the noise issue in the DeVeaux area. He said that the FAA had intervened, and a new route map for the helicopters was created, and they cannot fly over the American side.

Chairman Touma said that less funding is available this year for road reconstruction, and Mayor Dyster added that if the City gets back some of the money that was spent on the 72nd Street Project, it will be used for additional road repairs.

Mayor Dyster informed the Council Members that the Discover Niagara app is now up and running for visitors use. Also, the Trolley will begin its run on May 20.

Council Member Tompkins inquired about the number of manhole covers that are being marked, and Mr. Buzzelli said that they are marked to be changed or cleaned, and he will check into this.

Chairman Touma asked if there was an update on the City's application to the Financial Restructuring Board, and Mayor Dyster responded that no further information has been received.

Chairman Touma inquired about bonding for road reconstruction and updates to the City's fleet, and Mayor Dyster said that due to declining Casino revenues, the City had to go to the Bond Market to cover these costs, and, in the future, the City will have to consider whether to continue to bond for the costs of to "pay as you go".

Council Member Scott informed the Council Members about a phone app that will allow citizens to take a picture of a problem - sidewalk, road, garbage - and forward it to the City's website for notification of complaints.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #8 and four Items to be added to the Agenda:

1. Council Member Grandinetti moved to amend Agenda Item #8 relative to awarding the bid for landscaping of medians by changing the Bid # from Bid #2016-04 to Bid #2016-18.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

2. A communication relative to approval of the Letter of Award for playground installation at D'Amelio Park.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #17.

3. A communication relative to sale of 3543 Ferry Avenue. Council Member Walker moved to add the communication to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #18.

4. A Resolution relative to welcoming the Rev. Dr. Silvester Beaman.

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

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #19.

5. A Resolution relative to calling on the Governor's Office to stop the Seneca Nation of Indians from constructing its Energy Station.

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

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #20.

Council Member Grandinetti moved to remove from the Table, the Memorandum of Understanding between the City and the Police Captains & Lieutenants Association (Agenda Item #3).

Yeas	5
Nays	0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

Council Member Walker asked if the City had calculated the costs to implement the Memorandum of Understanding between the City and the Police Captains and Lieutenants Association. Mayor Dyster responded that some costs could be calculated now, and other costs would have to be calculated as retirements occurred. Council Member Walker then asked why these changes were not negotiated, and Mayor Dyster responded that the City was operating under the Attorney General's Consent Decree. Superintendent of Police Bryan DalPorto also answered questions from the Council Members, and a lengthy discussion followed.

This Session ended at 6:20 PM

Chairman Touma reconvened the Meeting at 6:40 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Chairman Touma and led the gathering in the Pledge of Allegiance to the Flag.

Chairman Touma announced a Special Order of Business, a Public Hearing relative to the dedication of a new road running East from 1st Street North of Old Falls Street and running West from 3rd Street South of Niagara Street as public roadways as well as corresponding changes to the Official Map of the City, and asked if there were any speakers relative thereto. There were no speakers.

OFFICIAL CITY MAP, DEDICATION OF PUBLIC ROADWAY AREAS

Agenda Item #16

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

Yeas

5

Nays

0

APPROVED

NO PAPERWORK PROVIDED TO THE CLERK'S OFFICE FOR THIS ITEM

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

Ron Anderluh	Agenda Items #4, #6
Diane Tattersall	Agenda Items #6, #7, #10
Tim Huether	Agenda Items #12, #13
Robert Ventry	Agenda Items #3, #10
Jamie Caldwell	Agenda Item #10
Vince Anello	Agenda Items #3, #12, #13
Robert Ventry	City needs to spend more money on sidewalk & road repairs; City needs to advertise vacancies on various Boards
Merle Smouse	Stop illegal B & B's; conditions in Historical District; problems with paving equipment
Jamie Caldwell	Encourage citizens to vote at School Board Election; re-cycling/garbage issues & need more Bulk pickups; condition of area surrounding Train Station
Bill Carroll	Thanked Administration & all those helping with Memorial Day Parade
Vince Anello	Water Board issues; City should consider using Hamister Hotel site for parking

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF APRIL 2016

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S CLAIMS FOR THE MONTH OF APRIL 2016

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: POLICE DEPT., POLICE CAPTAINS AND LIEUTENANTS ASSOCIATION,
MEMORANDUM OF UNDERSTANDING

Agenda Item #3

As you know, between November 2010 and November 2015, the City of Niagara Falls was a party to a Stipulated Order of Consent with the New York State Office of the Attorney General which required the City to undertake the review and reform of its Police Department policies and procedures. Overall, this process has been a success in that the Police Department has significantly strengthened its policies in the areas of diversity, community policing and use of force and have made a positive impact both in the department and with the general public. These benefits were noted by the office of the Attorney General at the conclusion of the Consent Order.

Unfortunately, in order to implement the departmental changes within the time period required by the Office of the Attorney General, there was no opportunity to negotiate those changes with the City's two Police Unions as required by the Taylor Law. Conflicts arose with the unions in areas where the new departmental practices conflicted with terms contained in their Collective Bargaining Agreements with the City. As a result, the New York State Public Employment Relations Board recently ruled that the City committed an improper practice in a proceeding brought by the Niagara Falls Police Club and supported by the Niagara Falls Police Captains and Lieutenants Association. PERB directed the City to rescind a number of the policy changes made pursuant to the Consent Order; however, doing so would put the City back into the same position that it was in prior to the Consent Order in 2010.

Instead of taking a step backwards, the City met with both the Police Captains and Lieutenants Association and the Police Club to discuss the impact of the PERB decision on the new departmental policies. With encouragement from the Office of the Attorney General, I am pleased to announce that these discussions have been fruitful and that, with cooperation from the unions, the City will be able to continue to utilize the positive policy changes brought about through the Consent Order.

The Agreement that has been attached (on file in the City Clerk's Office) for your consideration is a product of the desire of both the City and the Police Captains and Lieutenants Association to continue the advancement of the Police Department has made in the last five years while maintaining a continuing commitment for agreements reached through collective bargaining. The attached Memorandum of Understanding will accomplish the following:

1. To adequately compensate each member of the PCIA for their role in implementing the Consent Order;
2. To reaffirm the commitment of both parties to the spirit of collective bargaining by allowing the parties to mutually develop departmental policies as required by PERB, and;
3. Allow the City to keep in place the departmental reforms brought about over the last five years without interruption.

While the proposed Agreement will result in a modest financial impact, the provisions of the same allow for a deferral of payments to allow the City financial flexibility over a period of years. However, this financial impact is more than offset by the City's commitment to protect the constitutional rights of our citizens and the promotion of safe and efficient police practices.

Will the Council so approve?

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

Yeas 3

Grandinetti, Tompkins, Chairman Touma

Nays 2

Scott, Walker

APPROVED

Council Member Tompkins said he is not thrilled to approve this but if it goes to arbitration, it will cost the taxpayers much more.

Council Member Walker said the City should have negotiated before it got to this point & this payout is not fair to the taxpayers.

Chairman Touma said the Consent Decree had a positive affect & that outweighs the expenditures involved.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

HOMESTEAD AND NON-HOMESTEAD PROPORTIONS

Agenda Item #4

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

Yeas 5

Nays 0

APPROVED

CONTRACT: CONSULTANT SERVICES, ICE RINKS, DIDONATO ASSOCIATES

Agenda Item #5

In 2010 the City of Niagara Falls hired DiDonato Associates, P.C. for the first phase of major renovations at the Hyde Park Ice Pavilion. Since then we have completed four phases. The last phase of construction addressed the rinks and piping systems, but not our original 1970's refrigeration plant Power and Controls Systems. The City has been maintaining the current plant, but the age of the equipment has led to continuous man hours of maintenance and repairs, to the point that the current system has failed leading to disruption of ice for our tenant.

We have the opportunity once again to phase in work during the slow time of summer and with very long lead times anticipated for equipment deliveries. We respectfully ask to bring aboard DiDonato Associates to design, bid and award, and provide Construction Services throughout this project.

Based on their previous experience, knowledge of the facility and reasonable fee scale, it is the recommendation of the undersigned that this project be awarded to DiDonato Associates at its Proposal Price of \$20,800.00. Funding is available through a Bond Resolution approved by Council for the previous Phase of Ice Rink work.

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

Yeas 5

Nays 0

APPROVED

Chairman Touma said the funding is needed to start working on this now.

CONTRACT: SKATE PARK CONSTRUCTION, PINTO CONSTRUCTION SERVICES

Agenda Item #6

The following table is the result of construction bids received on April 20, 2016 for the above referenced project. An advertisement for bid was published in the Niagara Gazette on March 23, 2016.

Contractor	Bid
Pinto Construction Services, Inc.	\$517,138.96
Sicoli & Massaro Inc.	\$727,700
Walter S. Johnson Building Co., Inc.	\$557,700

It is the administration's recommendation that the construction contract be awarded to the lowest bidder, Pinto Construction Services, Inc., at the negotiated price of \$494,000. Without any major scope change, the low bidder agreed to reduce the total project cost by \$23,138.96. It is important to note that the Niagara Falls Skate Park Construction Project will not require any municipal, general fund or casino capital fund revenue. The entire project will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) funds and Tony Hawk Foundation (THF) grant funds.

The concrete skate park will be located within Hyde Park, off of Hyde Park Blvd., south of the John Duke Senior Center parking lot. The location is consistent with Crime Prevention through Environmental Design (CPTED) principles, and is centrally located as to be easily accessible to all Niagara Falls neighborhoods. The project was planned in strong partnership with the Niagara Falls Youth Bureau, and also sought input from the Niagara Falls Police Department and the Department of Public Works. The Niagara Falls Community Development Department (CD) began a public participation process to plan a Niagara Falls Skate Park in August 2014, after approximately 20 years of community discussion and advocacy for such a facility. Over 600 (428 electronic/180 written) individuals signed a petition in support of the project between August 2014 and July 2015, CD hosted three community planning meetings, and the public has also had the opportunity to comment on the project's CDBG funding at the 2015 Community Development public hearing and/or the 30 day written comment period. The Niagara Falls City Council approved the Niagara Falls Skate Project as part of the 2015 CDBG Action Plan in November 2014, and approved a design contract in March 2015. In August 2015, CD was also awarded a \$10,000 THF grant for the construction of the skate park, as a result of a competitive application submitted to the foundation in June 2015.

Project Planning Timeline

- August 12, 2014 - Skate Park Planning Meeting #1
- August 18, 2014 - Skate Park included in draft 2015 CDBG Budget
- October 24, 2014 - Skate Park Planning Meeting #2
- November 10, 2014 - City Council approves 2015 CDBG Budget
- March 3, 2015 - Niagara Falls City Council approves Spohn Ranch design contract
- April 16, 2015 - Spohn Ranch Community Design Meeting
- December 18, 2015 - City receives authorization to spend CDBG funds
- March 2016 - Final design and bid documents completed
- March 23, 2016 - Construction advertised for bid
- April 20, 2016 - Construction bids opened

In accordance with HUD guidance, the City of Niagara Falls is able to access unprogrammed CDBG funds to assist the completion of an approved CDBG project. During final design, the city anticipated high bids due to New York State prevailing rate requirements. In preparation of these higher costs, CD has arranged for the use of unprogrammed CDBG funds, and remaining funds from projects completed under budget, to complete the skate park project without adversely impacting our total program of projects.

The Niagara Falls Skate Park is part of CD and the City of Niagara Falls' continuing effort to increase and improve youth facilities and services in our community. In 2016, the CDBG Program will improve the Hyde Park Playground, the Hyde Park Little League baseball diamonds, 70th Street Park, Gill Creek Park and Jerauld Avenue Park. In addition, the Niagara Falls Engineering Department is planning playground improvements at Center Court Park.

Will the Council vote to so approve and authorize the Mayor to execute a contract with Pinto Construction Services, Inc., 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 the residents & youth of the City have been heard.

PURCHASE: PLAYGROUND EQUIPMENT AND SAFETY SURFACING, HYDE PARK, GAMETIME PLAYGROUND EQUIPMENT

Agenda Item #7

It is the administration's recommendation that the purchase of Hyde Park Playground equipment and the purchase and installation of Hyde Park Playground safety surfacing should be purchased via the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. GAMETIME Playground Equipment is a qualified vendor as part of the statewide contract (NYS CONTRACT PC 66669). The total amount that the Niagara Falls City Council is being asked to authorize is \$190,580.76 as detailed below.

Item	Cost
Equipment Purchase	\$94,618.76
Safety Surfacing and Installation	\$95,962
Total	\$190,580.76

The Hyde Park Playground Project will not require any municipal general fund or casino capital fund revenue. The entire project, including the purchase of equipment and installation, will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) grant funds, Niagara River Greenway grant funds (\$47,000) and Dr. Pepper/Snapple - KaBOOM! Let's Play Community Construction grant funds (\$15,000).

The Hyde Park Playground will replace the existing, outdated facility, and will be located within Hyde Park, off of Robbins Drive, approximately 50 yards from the Robbins Drive parking lot. The location is consistent with Crime Prevention through Environmental Design (CPTED) principles, and is centrally located, so as to be easily accessible to all Niagara Falls neighborhoods. The project was planned in strong partnership with the Niagara Falls Youth Bureau, and input was also sought from the Niagara Falls Police Department and the Department of Public Works. The playground consists of five separate pods, organized by age groups, each including safety surfacing and surrounding bench seating. The playground is easily visible from both the Robbins Drive parking lot, Robbins Drive itself, and surrounding park shelters. The current isolated location makes it harder to monitor and to reach, as there are no connecting sidewalks.

The Niagara Falls Community Development Department (CD) partnered with the Niagara Falls Youth Bureau Board to plan this playground over the past two years, and CD and the public have had the opportunity to comment on the project's CDBG funding at the 2015 Community Development public hearing and/or the 30 day written comment period. The Niagara Falls City Council approved the Niagara Hyde Park Playground as part of the 2015 CDBG Action Plan in November 2015. In Spring 2015, the City of Niagara Falls was awarded a \$47,000 Niagara River Greenway grant for playground construction as part of a comprehensive Hyde Park improvement application. In August 2015, the City of Niagara Falls was also awarded a \$15,000 grant for the construction of the Hyde Park Playground, as a result of a competitive application submitted to the Dr. Pepper/Snapple - KaBOOM! Let's Play Community Construction Grant Program. Beyond the aforementioned purchase of equipment and purchase installation of safety surfacing, final equipment installation will be bid, per municipal procurement law, and funded with CDBG funds.

The Hyde Park Playground Project is part of CD and the City of Niagara Falls' continuing effort to increase and improve youth facilities and services in our community. An improved playground at Hyde Park is consistent with the adopted Niagara Falls Parks Master Plan. In 2016 alone, the CDBG Program will improve the Hyde Park Playground, the Hyde Park Little League baseball diamonds, create a Niagara Falls Skate Park, improve 70th Street Park, Gill Creek Park and Jerauld Avenue Park. In addition, the Niagara Falls Engineering Department is planning playground improvements at Center Court Park.

Hyde Park is the city's signature public green space and the second largest municipal park in New York State, second only to Central Park. It is centrally located, and accessible to children and parents from throughout Niagara Falls. A modern playground, as well as the other capital projects happening within the Hyde Park, will enhance the public space and provide our young people with constructive activities.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the purchase and limited installation of this equipment, 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: LANDSCAPING OF MEDIANS, VILLANI'S LAWN AND LANDSCAPE, LLC

Agenda Item #8

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

TO: Villani's Lawn & Landscape, LLC
6405 Packard Road
Niagara Falls, NY 14304

FOR: Landscaping and maintenance of the medians along

Niagara Street, John B. Daly Boulevard, Rainbow Boulevard and the
Traffic Circle: \$ 48,520.00

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Four (4) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Gardenville Landscape & Nursery LLC (\$ 49,321.00,) Beau Enterprises, Inc. (\$ 67,374.00) and J.F. Krantz Nursery, Inc. (\$ 68,750.00.)

Funds for this expenditure are available in H1313.2013.1313.0449.599.

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

Chairman Touma said this work should have been done by now & he would have liked to have seen it done in March.

CONTRACT: MEALS FOR PRISONERS, PSNF INC. d/b/a MCDONALD'S

Agenda Item #9

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

TO: PSNF Inc. d/b/a McDonald's
1726 Pine Avenue
Niagara Falls, NY 14301

FOR: Meals for prisoners at the Municipal Services Building:

Breakfast (est. 3,000)	\$1.00
Lunch (est. 6,700)	\$1.65
Supper (est. 2,200)	\$1.65
Diabetic Request (est. 10)	\$.50

(unit price for diabetic request is added to the unit price of meal when purchased)

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Two (2) bids were received. Frankie's Donuts submitted a bid of \$ 1.00 for breakfast, \$ 1.75 for lunch, \$ 1.75 for supper and \$1.75 for diabetic request. The above referenced company submitted the lowest bid. This contract will be in effect for one year from date of award and has the ability to renew for two (2) additional years upon availability of funds and City Council approval.

Funds for this expenditure are available in Prisoner Meals
A.3120.0001.0449.010.

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 Grandinetti said she would rather see this bid go to a
local vendor & there have been issues with this Vendor.

Chairman Touma said the issues with this Vendor have been resolved &
this was the low bidder.

PUBLIC WORKS DEPT.: IN-HOUSE PAVING PROGRAM, FUNDING

Agenda Item #10

Funds are available for the 2016 In-House Paving Program from the
2014 Casino Revenue local share in the amount of \$382,554.00 and also
from 2014 non-discretionary portion pursuant to 99-H of the State Finance
Law in the amount of \$781,181.00 for a total of \$1,163,735.00. These
dollars will be transferred to Code H0812.2008.0812.0449.599 in the
amount of \$203,000.00 and an additional transfer to Code
H0812.2008.0812.0419.006 in the amount of \$960,735.00.

There will be an additional amount of CHIPS funding available in
the amount of \$962,689.00. Those dollars will be transferred to the
following codes: H0316.2016.0316.0449.599 in the amount of \$175,000.00
and Code H0316.2016.0316.0419.006 in the amount of \$787,689.00.

Funding is available as described 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

Chairman Touma said the City is spending less on this Program this year
due to less Casino money received.

N.F.C. DEVELOPMENT CORP., OPERATING BUDGET

Agenda Item #11

Attached (on file in the City Clerk's Office) is the 2016
administrative budget for N.F.C. Development Corp. approved by the NFC
board of directors. As you can see, the budget requires a transfer of
\$95,000.00 of casino revenues from the City Council in order to meet the
budgeted expenses.

Will the Council vote to approve transfer of \$95,000.00 of casino
revenues to N.F.C. Development Corp. for the 2016 NFC administrative
budget 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

RESOLUTION: MUNICIPAL HEALTH INSURANCE CONSORTIUM, STUDY, FUNDING
2016-50

BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #12

WHEREAS, the Greater Niagara Orleans County Municipal Health Insurance Consortium Study currently consists of twenty-six municipal entities throughout Niagara and Orleans Counties; and

WHEREAS, the Consortium's goal is to reduce overall health care costs to municipalities through purchasing health insurance jointly; and

WHEREAS, an initial comprehensive review was completed by Arthur J. Gallagher & Co. showing that significant savings could accompany the joint purchasing of health insurance through the Consortium, thereby potentially reducing the overall operating costs to municipalities; and

WHEREAS, the Consortium, if adopted, could provide relief to taxpayers through efficiency and leverage provided by the Consortium; and

WHEREAS, by a consensus vote of the Consortium's Ad Hoc Committee comprised of participating municipalities, it was directed that the Town of Somerset, as lead agency for the participating members, apply for a \$250,000.00 grant from the New York State Department of State to further study the Consortium; and

WHEREAS, the twelve towns in Niagara County, who are all participating members in this project, each contributed \$417.00 to date towards the cost of the grant writer to pursue the state grant; and

WHEREAS, the Consortium was successful in that the state grant was awarded and the Town of Somerset was designated as the lead agency for administering the grant; and

WHEREAS, as a condition to the Department of State's \$250,000.00 grant, the recipient must provide matching funds equal to 10% of the overall grant total; and

WHEREAS, the Town of Somerset, as the lead agency, is responsible for providing the \$25,000.00 in matching funds as required by the New York State Department of State; and

WHEREAS, by consensus vote of the Consortium's Ad Hoc Committee, it was agreed that participating municipalities would equally reimburse the Town of Somerset for the matching funds required to be paid by the Town of Somerset for this grant; and

WHEREAS, at this time and during the grant process, there is no obligation of any municipality to join the Consortium upon its final implementation; and

WHEREAS, in order to completely evaluate the full costs and benefits of a Consortium, it is essential that the grant project continue until its conclusion; and

WHEREAS, the Town of Somerset will seek reimbursement, on a quarterly basis, from the State for services and expenses rendered under this Grant, in which the State will deduct the matching grant portion; and

WHEREAS, the Town of Somerset will then submit quarterly to each participating municipality a voucher for its portion of the matching grant share; and

WHEREAS, this municipality is one of the entities participating in this project and may benefit from the Consortium study and potential implementation; and

NOW THEREFORE BE IT RESOLVED, that in the spirit of cooperation, the City of Niagara Falls agrees that the cost of the matching amount borne by the Town of Somerset shall be allocated amongst the current twenty-six participating municipalities in equal shares, with each Niagara County town who contributed towards the cost of the initial grant writer receiving a \$417.00 deduction from this equal share in order to ensure that each entity contributes an identical amount towards this project; and be it further

RESOLVED, the City of Niagara Falls does hereby authorize payment to reimburse the Town of Somerset in an amount not to exceed a total of \$1,154.00 over a two-year period, in quarterly reimbursements, not to exceed \$288.50 for the City's share of the grant matching funds for this project; and be it further

RESOLVED, that if any additional municipal entity joins this Consortium study, then the City of Niagara Falls recognizes that the aforementioned reimbursements will be adjusted downward accordingly.

Yeas

4

Scott, Tompkins, Walker, Chairman Touma

Nays

1

Grandinetti

ADOPTED

Council Members Tompkins, Walker & Chairman Touma said we need to look into what the savings will be.

RESOLUTION: MUNICIPAL HEALTH INSURANCE CONSORTIUM, PARTICIPATION
2016-51

BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, the Greater Niagara Orleans County Municipal Health Insurance Consortium Study currently consists of twenty-six municipal entities throughout Niagara and Orleans Counties; and

WHEREAS, the Consortium's goal is to reduce overall health care costs to municipalities through purchasing health insurance jointly; and

WHEREAS, an initial comprehensive review was completed showing that significant savings could accompany the joint purchasing of health insurance through the Consortium, thereby potentially reducing the overall operating costs to municipalities; and

WHEREAS, the Consortium, if adopted, could provide relief to taxpayers through efficiency and leverage provided by the Consortium; and

WHEREAS, that based on the information given to this Council on May 3, 2016, the City of Niagara Falls may benefit from the Consortium study and potential implementation; and

NOW THEREFORE BE IT RESOLVED, that the City of Niagara Falls commits to participate with other government and municipal entities to study the feasibility of forming a Greater Niagara Orleans County Municipal Health Insurance Consortium.

Yeas

4

Scott, Tompkins, Walker, Chairman Touma

Nays

1

Grandinetti

ADOPTED

RESOLUTION: O'DONNELL, THOMAS M., RECOGNITION, 2016-49
AGENDA ITEM #14 WAS ADOPTED AT THE WORK SESSION

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, 2016-52
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, there is currently a vacant seat on the Niagara Falls Tourism Advisory Board, due to the resignation of Mr. Mark Mistriner.

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Tourism Advisory Board, effective immediately.

APPOINTMENT	TERM EXPIRES:
Anas A. Mangla	12/31/2016
6961 Plaza Drive	
Niagara Falls, NY 14304	

Yeas

5

Nays

0

127

ADOPTED

05/16/2016

OFFICIAL CITY MAP, DEDICATION OF PUBLIC ROADWAY AREAS
Agenda Item #16 ACTED ON AT THE BEGINNING OF MEETING

CONTRACT: D'AMELIO PARK, PLAYGROUND INSTALLATION, GARDENVILLE LANDSCAPE & NURSERY LLC

Agenda Item #17

The following were the result of bids received on May 10, 2016 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE</u>	<u>BID</u>
Gardenville Landscape & Nursery LLC 3069 Clinton St. West Seneca NY 14224		\$56,318.60
Titan Development Inc.		\$67,850.00
Yarussi Construction Inc.		\$87,200.00
Scott Lawn Yard		\$93,710.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Gardenville Landscape & Nursery, Inc. at their total bid of \$56,318.50. Funding is available in 1610.2016.1610.0449.599 transferred from 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

Chairman Touma said this is a new park for the children in the area.

HOMEOWNERSHIP AUCTION: 3543 FERRY AVENUE

Agenda Item #18

Mr. Jack Chapek was the successful bidder at \$12,000.00 for the purchase of 3543 Ferry Avenue at the Homeownership Auction. Mr. Chapek has submitted a rehabilitation plan to correct Code violations. The Planning Board recommended approval of the sale. The recommendation is attached On file in the City Clerk's Office).

The home at 3543 Ferry Avenue is a 1272 square foot Cape Cod style house built in 1949 on a 45' X 102' lot on the south side of Ferry Avenue. The property is assessed for \$45,000.00. The SBL number is 159.36-1-9. If the sale is approved, Mr. Chapek must complete rehabilitation of the property in one year and must reside on the property as his principal residence for 5 years.

Will the Council accept this as a walk on agenda item, vote to approve sale if 3543 Ferry Avenue 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

RESOLUTION: BEAMAN, REV. DR. SILVESTER, WELCOMING, 2016-53
BY: ALL COUNCIL MEMBERS

Agenda Item #19

WHEREAS, The City of Niagara Falls wishes to welcome the Rev. Dr. Silvester S. Beaman "home" for a citywide celebration on Thursday, May 19th at 6:30 p.m. at St. John AME Church, 917 Garden Avenue, Niagara Falls. Rev. Beaman will preach at the event; and

WHEREAS, Rev. Beaman is a native Niagarian and a 1978 graduate of Niagara Falls High School. Rev. Beaman grew up on the city's north side and sang tenor in the St. John AME Church Youth/Young Adult Choir and preached from several local pulpits; and

WHEREAS, Rev. Beaman went on to earn his baccalaureate degree with honors from Wilberforce University. In 1985, he achieved his Master of Divinity degree, as a Mary McCloud Bethune Scholar from Boston University School of Theology and in 2012, he earned his Doctorate of Ministry degree in Transformational Leadership from Payne Theological Seminary/Bakke Graduate School; and

WHEREAS, Rev. Beaman later went on to be a close confidant to a sitting Vice President of the United States of America, counsel three Governors of the State of Delaware and serve on their transition teams, offer prayers in both the United States Senate and the House of Representatives, serve on the World Methodist Counsel Executive Committee, General Board of the African Methodist Episcopal Church and be inducted into the Morehouse College Rev. Dr. Martin Luther King, Jr. Board Preachers; and

WHEREAS, Serving as Pastor of Bethel Methodist Episcopal Church since 1993, Rev. Beaman's commitment to ministry is evident by the establishment of the AIDS Task Force, men's, women's, and senior citizen ministries, youth mentoring programs and a community evangelism outreach program. Rev. Beaman also established the Beautiful Gate Outreach Center ministries - a full service provider to individuals who are living with HIV/AIDS and their families. This ministry is internationally recognized and has been featured on CNN News. He also created Bethel Helping Caring Hands, a nonprofit organization established exclusively for charitable, religious and/or educational purposes.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby welcome Rev Dr. Silvester S. Beaman "home" to St John AME Church and look forward to his many contributions to our great city through his ministerial work.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: ENERGY STATION, SENECA NATION OF INDIANS, 2016-54
BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, the Seneca Nation of Indians has commenced construction of an "energy station" which consists of a gas and electric refueling station together with a convenience store on Seneca Nation land located on Niagara Street near the intersection of Daly Boulevard in the City of Niagara Falls, New York; and

WHEREAS, this Seneca Nation of Indians project first surfaced in 2012 when the Seneca Nation of Indians issued a request for proposals for the planning and design of an upscale convenience store and gas station; and

WHEREAS, upon learning of the issuance of this request for proposals, Governor Cuomo's office forwarded correspondence to Robert O. Porter, then President of the Seneca Nation of Indians, advising that there was language in the Compact between the Seneca Nation of Indians and the State of New York which stated that the gaming facility site would "be utilized for gaming and commercial activities traditionally associated with the operation or conduct of a casino facility." and

WHEREAS, this correspondence, dated August 9, 2012 and signed by Howard B. Glaser, Director of State Operations, a copy of which is attached hereto, stated that the inclusion of that language was "clearly intended to insure that local businesses would not be placed at a competitive disadvantage, most certainly encompasses the potential activity." and

WHEREAS, on or about March 15, 2016, after learning that the Seneca Gaming Corporation intended to open an upscale convenience store and gas station on lands of the Seneca Nation of Indians in the City of Niagara Falls, Robert Williams, Special Assistant Counsel to Governor Cuomo, corresponded with Maurice A. John, Sr., President of the Seneca Nation of Indians to advise that "Mr. Glaser advised that the Nation-State Gaming Compact between the Seneca Nation of Indians and the State of New York, Paragraph (11)(b)(1) precluded such development;" and

WHEREAS, a copy of this March 15, 2016 correspondence is attached hereto (on file in the City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Governor Cuomo's Office take whatever action is necessary, including but not limited to legal action, in order to cause the Seneca Nation/Seneca Gaming Corporation to immediately cease construction of this gas station and convenience store located on the property of the Seneca Nation of Indians; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to Andrew M. Cuomo, Governor of the State of New York, Robert G. Ort, State Senator and John Ceretto, Assemblyman.

Yeas

5

Nays

0

ADOPTED

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

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