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January 5, 2015
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the January 5, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:06 P.M. in the Council Chambers.

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

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

Chairman Walker announced that the First Order of Business would be the election of Council Chairman for 2015, and asked if there were any nominations. Council Member Anderson nominated Council Member Touma, seconded by Council Member Choolokian. There were no additional nominations, and Council Member Touma was unanimously elected Council Chairman for 2015.

The Oath of Office for Council Chairman Touma was administered by City Clerk, Carol A. Antonucci, as the Bible was held by Chairman Touma's mother, wife and children.

Chairman Touma thanked the Council Members for their support, and Council Member Walker thanked the Council Members for the opportunity to serve as Council Chairman for 2014.

Council Member Walker moved to approve the Minutes from the Special Council Meetings #1, #2 of December 12, 2014, Special Council Meeting of December 15, 2014, Council Meeting of December 22, 2014, Special Council Meeting of December 26, 2014.

Yea
Nays

5
0

APPROVED

In the Administrative Update, Mayor Paul Dyster:

1. Congratulated Council Chairman Touma, and thanked former Chairman Walker.
2. Said that Christmas trees should be put out the first week of the month as a bulk item.
3. Noted that Superintendent of Police Bryan DalPorto was Acting City Administrator. Chief DalPorto informed the Council Members that Deputy Police Superintendent Carlton Cain would be attending the FBI National Academy.
4. Said that the attachment for Agenda Item #6, relative to the reorganization of Departments affected by the City Employee Retirement Incentive Program, was amended to omit positions in the Human Resources Department, since the Civil Service Commission had not yet acted on the positions. Chairman Touma said that he was disappointed that this was not explained to the Council before it was placed on the Agenda.

Council Member Anderson said that he had received many complaints about truck traffic from Buffalo Avenue to 57th and 63rd Streets, and asked about placing signs and lights in the area. Chief DalPorto will provide more enforcement in that area for the residents.

Chairman Touma inquired about extending leaf pickup beyond November, and Mayor Dyster responded that leaves can be put out with Christmas trees for pickup.

Chairman Touma also inquired about permanent/temporary workers in the Public Works Department, and the Mayor responded that that was addressed in Agenda Item #7. A lengthy discussion followed on the SWEET Team employees and enforcement of the Refuse/Recycling Ordinance, and Council Member Walker asked for an explanation from the Administration before the next Council Meeting on the job descriptions, duties and length of employment for those working under the Refuse/Recycling Ordinance.

Council Member Choolokian questioned the Mayor on the use of Casino Funds to fund positions that were removed during the Budget process (Agenda Item #7), and said that the Mayor was reluctant to do this during the Budget process, but was now asking the Council to approve doing so. The Mayor responded that changes have been made to the list, and after doing some research on the use of 99-H funds, he was asking for Council approval, and would welcome working with the Council on this. Chairman Touma said that, in the future, he would like to vote on these matters individually, and not grouped together as one Agenda Item.

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

1. An amendment to Agenda Item #4, relative to a Change Order in the contract for the Hyde Park Ice Pavilion Locker Room Renovations, to increase the amount of the Change Order.

Council Member Choolokian moved to amend the Item.

Yea	5
Nay	0

MOTION TO AMEND APPROVED

2. An Amendment to Agenda Item #6, relative to the reorganization of Departments affected by the City Employee Retirement Incentive Program, by removing the positions in the Human Resources Department from the attachment.

Council Member Walker moved to amend the Item.

Yea	5
Nay	0

MOTION TO AMEND APPROVED

3. A communication to be added to the Agenda relative to a Memorandum of Understanding between the Division of Criminal Justice Services, the City of Niagara Falls, the Niagara County District Attorney and the Niagara County Sheriff for the development and operation of a Regional Crime Analysis Center.

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

Yea	5
Nay	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
The communication was added to the Agenda as #15.

Council Member Choolokian asked if there will be any cost to the City for the Crime Analysis Center, and Chief DalPorto responded that the City will provide office space at Police Headquarters, and other costs will be covered by the Division of Criminal Justice Services and the GIVE Grant.

This Session ended at 5:50 PM

Chairman Touma reconvened the Meeting at 6:08 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.

Council Member Walker asked those present to observe a Moment of Silence for former Governor Mario Cuomo and developer Frank Ciminelli.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and asked that no personal attacks be made by the speakers and the following spoke:

Ron Anderluh	Agenda Item #11
Gerald Skrlin	Agenda Item #12
Gerald Skrlin	Condition of property on Buffalo Ave.; Freedom of Speech issues
Robert Ventry	Raising taxes in 2015 Budget was bad idea; Against City building its own Animal Shelter; Leaf pickup should start in October and extend beyond November; bulk item pickup should be weekly

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 3721 HIGHLAND AVE., ASBESTOS ABATEMENT, APOLLO DISMANTLING SERVICES

Agenda Item #1

The City previously awarded the asbestos abatement contract for the 3721 Highland Avenue Fire Station to Apollo Dismantling Services, LLC. One of the elements of the contract was removal of asbestos containing plaster from clay/speed tile at the premises. In the course of performing the work, it became apparent that some of the asbestos containing material had penetrated the tile and could not be removed.

Change order number one provides for encapsulating and sealing all areas where the asbestos containing plaster cannot be removed. Stohl Environmental, the City asbestos monitor on the project, concurs in the change order. There is no cost adjustment for substituting the encapsulation of asbestos containing material for the originally contracted removal in this change order.

Will the Council vote to approve change order number 1 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.

Yea	5
Nay	0

APPROVED

CONTRACT: CITY HALL PARKING LOT IMPROVEMENTS, YARUSSI CONSTRUCTION INC.

Agenda Item #2

A contract for the above referenced project was awarded to Yarussi Construction, Inc. on July 23, 2014 in the amount of \$468,720.00.

Subsequent to the start of the project, it was revealed that the existing foundation layers of the westerly portion of the lot were not sufficient for re-use. However, the costs associated with the removal and replacement of substandard foundation material was more than offset by bid item cost underruns elsewhere in the project, allowing a \$0.00 change to the contract at this time.

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.

Yea	5
Nay	0

APPROVED

NY POWER AUTHORITY, PORTER ROAD PROPERTY, ACQUISITION

Agenda Item #3

As part of the Relicensing Settlement for the Niagara Power Project in 2005, the Power Authority agreed to transfer an approximately 48.645 acre parcel on Porter Road to the City. The parcel is shown in the attached drawing (on file in the City Clerk's Office).

As part of the process the Power Authority did some environmental testing, the results of which have been reviewed and found to be acceptable by the City's Department of Planning and Economic Development.

The Settlement Agreement and the attached deed (on file in the City Clerk's Office) require the City to indemnify the Power Authority with regard to any environmental issues related to the property.

The City's Department of Planning and Economic Development, based on the environmental testing, finds this to be an acceptable risk.

Will the Council approve acceptance of the property and authorize the Mayor to execute the attached deed (on file in the City Clerk's Office)?

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

Yea

5

Nay

0

APPROVED

CONTRACT: HYDE PARK ICE PAVILION LOCKER ROOM, PHASE III (PLUMBING CONTRACT), MOLLENBERG BETZ, INC

Agenda Item #4

A contract for the above referenced project was awarded to Mollenberg Betz, Inc., 300 Scott Street, Buffalo, NY, on April 28, 2014 in an amount of \$108,000.00. The cost of additional work already approved in Change Order #1, by City Council is \$10,609.00 bringing the contract total to \$118,609.00.

At the completion of the project the City asked for quotes for additional HVAC and cooking equipment improvements to bring the facilities Kitchen up to code. This extra work involves specialty work with fire suppression systems which Mollenberg Betz is licensed to perform.

Quotes were sought from the two licensed contractors already working on site, Mollenberg Betz, Inc. at \$38,000.00 and John W. Danforth Company at \$51,819.00.

Therefore, it is the recommendation of the undersigned that **Change Order #2** in the amount of \$38,000.00 be approved. Sufficient funds presently exist in Code H0819.2008.0819.0449.599.

Will the council vote to so approve?

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

Yea

5

Nay

0

APPROVED

CONTRACT: DRAINAGE STRUCTURE REPLACEMENT/REPAIR PROJECT, YARUSSI CONSTRUCTION, INC.

Agenda Item #5

A contract for the above referenced project was awarded to Yarussi Construction, Inc. on April 28, 2014 in the amount of \$341,412.00.

Subsequent to the start of the project, the addition of streets to the 2014 Resurfacing Program necessitated the addition of catch basin replacements and sewer manhole adjustments. The costs associated with due extra drainage structure replacements, adjustments and related payment restorations are \$55,800.00, bringing the final contract total to \$395,997.80. Funding is available from Casino Funds - Road Reconstruction portion and will be transferred to H0621.2006.0621.0300.000.

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

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

Yea

Nay

5

0

APPROVED

RETIREMENT INCENTIVE PROGRAM, CITY EMPLOYEES

Agenda Item #6

The City of Niagara Falls developed a City Employee Retirement Program for employees who were eligible to retire on or before December 31, 2014, pursuant to criteria established by the City of Niagara Falls and the New York State Retirement System. The incentive amount is \$20,000 payable over a period of five years, with the first payment to be made during January 2015. Elected officials, fire and police officers, and department heads were excluded from this incentive program.

Accordingly, twenty-one employees meeting both New York State and City criteria took advantage of the program, retiring during the period of November 6 through December 31, 2014.

The attached (on file in the City Clerk's Office) is the proposed reorganization of affected departments. Where possible, positions have been eliminated or downgraded to alleviate savings that will be allocated towards fulfillment of incentive obligations while maintaining essential services.

Will the Council so approve?

Council Member Anderson moved to table the communication.

Yea

Anderson, Choolokian, Walker, Touma

4

Nay

Grandinetti

1

TABLED

BUDGET, 2015, POSITIONS REMOVED, FUNDING

Agenda Item #7

As a result of certain activity that took place during the 2015 Budget process, certain temporary positions and others were eliminated and may now be restored. Attached hereto (on file in the City Clerk's Office) is a detailed list of these positions to be restored, inclusive of fringe benefits. This totals \$531,309.00. Funding is available from Casino Revenues.

Will the Council so approve?

Council Member Walker moved to table the communication.

Yea

Anderson, Choolokian, Walker, Chairman Touma

4

Nay

Grandinetti

1

TABLED

MOU, 76th ST., PROPOSED ABANDONMENT

Agenda Item #8

The City has received a request from Benderson to abandon the unimproved portion of 76th Street adjacent to the shopping center, as shown on the attached drawing, so that material can be moved from the shopping center site to the property to be abandoned so that Benderson may develop another store in the shopping center.

After the relocation of the soil, Benderson will dedicate a new portion of 76th Street and relocate the Water Board's lines that are in the current right-of-way.

All of the above is memorialized in the proposed Memorandum of Understanding ("MOU") which is attached hereto.

The MOU is specifically subordinate to the Council abandoning the portion of 76th Street in accordance with provisions of Local Law and conditioned on the City Charter.

Earlier this year the Planning Board recommended against allowing the abandonment of the undeveloped portion of 76th Street. However, City staff believes that the proposals memorialized in the MOU will alleviate issues related to property fronting on Mooradian Drive and also will allow the development of another business in the City of Niagara Falls.

Will the Council approve the attached (on file in the City Clerk's Office) MOU and authorize the Mayor to execute same?

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

Yea	4
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Anderson, Grandinetti, Walker, Chairman Touma	
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Nay	1
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Choolokian	
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APPROVED

Council Member Choolokian said that this was denied by the Planning Board due to concerns about soil contamination.

Council Member Walker said assurances have been received from the DEC about safety concerns in going forward with this Project.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

Agenda Item #9

Please be advised that Mayor Paul A. Dyster, on December 17, 2014, duly approved the following:

Resolution 2014-87, relative to Amending Chapter 911 of the Codified Ordinances entitled "Solid Waste Refuse and Recycling"

THIS ITEM WAS RECEIVED AND FILED

Agenda Item #10

Please be advised that Mayor Paul A. Dyster, on December 23, 2014, duly approved the following:

Resolution 2014-90, relative to Amending Chapter 1107 of the Codified Ordinances entitled "Permits, Fees and Certificates."

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: PARKING RATES IN CITY LOTS AND RAMP, 2015-1

BY: COUNCIL MEMBER ANDREW TOUMA

Agenda Item #11

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 in the high tourist season (from the Saturday before Memorial Day to Labor Day) is increased from \$10 to \$15.

2. The daily parking fee for parking in city-owned parking lots and the parking ramp in the low season (from the Tuesday following Labor Day until the Friday preceding Memorial Day) is increased from \$5 to \$10, and

BE IT FURTHER RESOLVED, that these fee increases be effective Memorial Day weekend 2015 (May 23, 2015).

Yea	5
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Nay	0
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ADOPTED

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, 2015-2
BY: COUNCIL MEMBER CHARLES WALKER

Agenda Item #12

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 2015, but such designation shall not thereafter lapse until superseded.

Yea
Nays

5
0

ADOPTED

RESOLUTION: HISTORIC PRESERVATION COMMISSION, REAPPOINTMENTS, 2015-3
BY: ALL COUNCIL MEMBERS

Agenda Item #13

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Historic Preservation Commission effective immediately, for a term expiring on the date that appears opposite their names:

REAPPOINTMENTS

Matthew A. Green 12/31/2018
441 21st Street
Niagara Falls, New York 14303

Anne Smith 12/31/2018
1021 96th Street
Niagara Falls, NY 14304

Christopher M. Stoianoff 12/31/2018
2126 North Avenue
Niagara Falls, NY 14305

Yea
Nays

5
0

ADOPTED

Chairman Touma thanked those who were being reappointed for their hard work on this Commission.

RESOLUTION: INVESTMENT POLICY FOR THE CITY OF NIAGARA FALLS, ADOPTION, 2015-4

By: Council Member Charles Walker

Agenda Item #14

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 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 (on file in the City Clerk's Office.

Yea
Nays

5
0

ADOPTED

MOU, REGIONAL CRIME ANALYSIS CENTER, DCJS, CITY OF NIAGARA FALLS,
NIAGARA COUNTY DISTRICT ATTORNEY, NIAGARA COUNTY SHERIFF

Agenda Item #15

It is requested that the City be authorized to enter into a Memorandum of Understanding ("MOU") with the DCJS, the Niagara County District Attorney and the Niagara County Sheriff for the development and operation of a Regional Crime Analysis Center. With input and data from the parties of this MOU, the product will be a comprehensive picture of crime incidents through in-depth crime analysis, pattern identification, incident mapping and emerging crime trend recognition. It is proposed that this Regional Crime Analysis Center be located at NFPD Headquarters in space that is available for it. Subject to available funding, DCJS will provide office furnishings and technology, including data systems, software and hardware, and will also pay for improvements to the office space up to \$15,000. The office will be staffed by personnel from the District Attorney's Office and the Sheriff's Office. The City will provide one full time crime analyst and one full time field intelligence officer and one half time crime analyst. These positions are already in place and are funded by the DCJS with the GIVE grant.

Will the Council so approve and authorize the Mayor to execute a Memorandum of Understanding in form and content satisfactory to the Corporation Counsel?

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

Yea

5

Nays

0

APPROVED

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

Carol A. Antonucci
City Clerk



January 20, 2015
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the January 20, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:11 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, Acting City Administrator/Police Superintendent Bryan DalPorto, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of January 5, 2015.

Yea	5
Nay	0

APPROVED

Mayor Dyster said that in the release of the Buffalo Bills Stadium study that there are 3 sites in Buffalo being considered, along with the existing Orchard Park site. Niagara Falls was considered, but with concerns about traffic and improvements that would be required, Niagara Falls was excluded from the short list.

Police Superintendent Bryan DalPorto distributed the 2014 Risk Assessment Report for the Police Department. The highlights were: calls for service increased and 7% ended in arrests, 44% decrease in complaints and use of force decreased. Chief DalPorto said that 156 officers are handling calls and that he is proud to present this report on behalf of the Department and there has been an overall 6% decrease in crime in 2014. He also stated that the Police Department won a National Award, and the Department will be going through Diversity Training. Council Member Walker asked who is going to train the rest of the Officers, the Chief responded that some of the Officers will be trained as Trainers.

Council Member Anderson stated that the Recycling/Refuse Program should be addressed, as all the Council Members have been getting a great number of calls from residents concerning various issues with this Program. A lengthy discussion about the Recycling/Refuse Program between the Mayor and the Council Members followed.

Corporation Counsel Craig Johnson distributed copies of items to be added to the Agenda, an item to be amended and an item to be removed from the Table and amended:

1. A communication to be added to the Agenda relative to encroachments at 744 - 10th St. for improvements made by the NF Housing Authority.

Council Member Grandinetti moved to add the Communication to the Agenda

Yea	5
Nay	0

MOTION TO ADD COMMUNICATION TO THE AGENDA APPROVED
The Communication was added to the Agenda as #20.

2. A communication to be added to the Agenda relative to Amending Chapter 103 of the Codified Ordinances entitled "Administrative Ordinances".

Council Member Grandinetti moved to add the communication to the Agenda

Yea	5
Nay	0

MOTION TO ADD COMMUNICATION TO THE AGENDA APPROVED
The Communication was added to the Agenda as #21.

3. A Resolution to be added to the Agenda relative to Honoring Mr. JB Aaron.

Council Member Grandinetti moved to add the Communication to the Agenda

Yea	5
Nay	0

MOTION TO ADD COMMUNICATION TO THE AGENDA APPROVED
The Communication was added to the Agenda as #22.

4. An amendment to Agenda Item #17 to remove/add persons names for appointments to the Tourism Advisory Board.

Council Member Grandinetti moved to amend the Item.

Yea	5
Nay	0

MOTION TO AMEND APPROVED

5. To remove from the Table an Agenda Item that was tabled at the January 5, 2015 Council Meeting relative to funding for a position that was removed during the Budget Process.

Council Member Grandinetti moved to remove the Item from the Table

Yea	5
Nay	0

MOTION TO REMOVE FROM THE TABLE APPROVED

Council Member Grandinetti moved to amend the Item in regards to changing a Job Title in the SWEET Program.

Yea	4
Anderson, Grandinetti, Walker, Chairman Touma	
Nay	1
Choolokian	

MOTION TO AMEND APPROVED

Council Member Grandinetti stated that the new position is replacing an existing position.

Council Member Choolokian asked if this was a competitive position and per Ruby Pulliam, Director of Human Resources, this is a Civil Service position pending testing. Also that this should have been on the Agenda if it was something the Mayor wanted to submit. Corporation Counsel Johnson added that this is subject to Civil Service Approval.

This Session ended at 6:20 PM.

Chairman Touma reconvened the Meeting at 6:32 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Ron Anderluh	Agenda Item #19
Ken Hamilton	Agenda Item #18
Bob Conway	Agenda Item #21
Vince Anello	Agenda Items #13, #19
Gerald Skrlin	Agenda Item #18
Randy Ubriaco	Agenda Item #18
Joanne Gialloreto	Agenda Item #18
Henry Krawczyk	Agenda Items #19, #18
Robert Ventry	Agenda Item #18
Craig Avery	Agenda Item #18
Ron Anderluh	Missed parking revenues; proposal to not contribute to Concerts, working with Small Business Administration to work with Hard Rock for events
Ken Hamilton	Hard Rock New Years event; to Miss Grandinetti, it was a shame that she was overlooked for Chairperson; Hotel parking passes issue; eliminate Legal Library; garbage
David Bachowski	Severe flooding on Cayuga Island
Diane Tattersall	About time limit on speaking; wants times to change for meetings; Refuse/Recycling Ordinance; Western New York Revitalization Summit
Gerald Skrlin	About ethics, moral standards; filthy neighborhood where he lives; protection of Historic Buildings
Randy Ubriaco	Once served on Tourism Board; put cameras around bathrooms at Bike Park for safety issues
Mike Szymanski	Petition to Code Enforcement about clean up at 5659 John Ave, Code Enforcement didn't do anything
Joanne Gialloreto	Free speech; trash totes
Henry Krawczyk	Issued Police Report about neighbor's damages to his property, nothing being done
Craig Avery	Fire certain City employees

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF DECEMBER 2014

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF DECEMBER 2014

Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: OSC-21, SCHOOL DISTRICT, FUNDING

Agenda Item #3
The 2015 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yea	5
Nays	0

APPROVED

CONTRACT: NIAGARA COMMUNITY ACTION PROGRAM, INC., FUNDING

Agenda Item #4

The 2015 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 2015. 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #5

The 2015 Budget contains an appropriation in the amount of \$2,500.00 for the non-profit agency listed above. In order to effectuate this, an appropriation agreement with NIMAC is required.

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

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

Yea

5

Nays

0

APPROVED

CONTRACT: NIAGARA ARTS & CULTURAL CENTER, FUNDING

Agenda Item #6

The 2015 Budget contains an appropriation in the amount of \$30,000.00 for the non-profit agency listed above. In order to effectuate this, an appropriation agreement with the NACC is required. Funding is available from Tourism Fund Balance.

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

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

Yea

5

Nays

0

APPROVED

CONTRACT: NIAGARA FALLS BLOCK CLUB COUNCIL, FUNDING

Agenda Item #7

The 2015 Budget contains an appropriation in the amount of \$10,000.00 for the non-profit agency listed above. In order to effectuate this, an appropriation agreement with the Council is required.

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

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

Yea

5

Nays

0

APPROVED

CONTRACT: NIAGARA FALLS BEAUTIFICATION COMMISSION, FUNDING

Agenda Item #8

The 2015 Budget contains an appropriation in the amount of \$10,000.00 for the non-profit agency listed above. In order to effectuate this, an appropriation agreement with NBC is required. Funding is available from Tourism Fund Balance

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

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

Yea

5

Nays

0

APPROVED

BUDGET, RESERVE FUNDING FOR EXCEEDING TAX CAP

Agenda Item #9

During the 2015 budget process culminating with the City Council's override votes on Mayoral vetoes, the final adopted budget exceeded the tax cap amount imposed by the General Municipal Law by \$280,485. This amount was calculated by the City Controller and confirmed by the office of the New York State Comptroller (on file in the City Clerk's Office). The City is now required to reserve this sum of money and factor it in to the 2016 budget process. Therefore, it is requested that the sum of \$280,485 be placed in reserve for this purpose.

Funding is available from Fund Balance.

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

Council Member Choolokian said this is one of the worst Budgets he has seen.

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #10

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, 2015 through December 31, 2015.

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.

Yea

5

Nays

0

APPROVED

CONTRACT: RAINBOW CENTER MALL, ENVIRONMENTAL INSPECTIONS, UNILAND DEVELOPMENT COMPANY

Agenda Item #11

During the City Council meeting held on November 24, 2014, the City Council designated Uniland Development Company as the preferred developer for the adaptive re-use of the former Rainbow Center Mall. As part of the diligence Uniland Development Company must perform, it is requesting access to the former Rainbow Center Mall premises for the purpose of conducting various environmental reviews and tests, along with any and all other due diligence initiatives required during the development of the project.

Access to the former Rainbow Center Mall premises is proposed to be permitted pursuant to terms and conditions contained in an Access Agreement approved by the Corporation Counsel.

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

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

Yea	5
Nay	0

APPROVED

CITY EMPLOYEES, RETIREMENT INCENTIVE PROGRAM

Agenda Item #12

The City of Niagara Falls developed a City Employee Retirement Program for employees who were eligible to retire on or before December 31, 2014, pursuant to criteria established by the City of Niagara Falls and the New York State Retirement System. The incentive amount is \$20,000 payable over a period of five years, with the first payment to be made during January 2015. Elected officials, fire and police officers, and department heads were excluded from this incentive program.

Accordingly, twenty-one employees meeting both New York State and City criteria took advantage of the program, retiring during the period of November 6 through December 31, 2014.

The attached is the proposed reorganization of affected departments. Where possible, positions have been eliminated or downgraded to alleviate savings that will be allocated towards fulfillment of incentive obligations while maintaining essential services.

Will the Council so approve?

Council Member Choolokian moved that the communication be removed from the Table.

Yea	5
Nay	0

APPROVED

CITY CONTROLLER: REORGANIZATION OF OFFICE

Agenda Item #12A

The City of Niagara Falls developed a City Employee Retirement Program for employees who were eligible to retire on or before December 31, 2014, pursuant to criteria established by the City of Niagara Falls and the New York State Retirement System. The incentive amount is \$20,000 per person, payable over a period of five years, with the first payment to be made during January of 2015. Elected officials, fire and police officers, and department heads were excluded from this incentive program.

Accordingly, 21 employees meeting both New York State and City criteria took advantage of the program, retiring during the period of November 6th through December 31, 2014. Attached (on file in the City Clerk's Office) is a proposed reorganization of the City Controller's Office which is made possible as a result of some of these retirements. Where possible, positions have been eliminated or downgraded to maximize savings that will be allocated towards fulfillment of incentive obligations while maintaining essential services.

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

FIRE DEPARTMENT, REORGANIZATION OF OFFICE

Agenda Item #12B

The City of Niagara Falls developed a City Employee Retirement Program for employees who were eligible to retire on or before December 31, 2014, pursuant to criteria established by the City of Niagara Falls and the New York State Retirement System. The incentive amount is \$20,000 per person, payable over a period of five years, with the first payment to be made during January of 2015. Elected officials, fire and police officers, and department heads were excluded from this incentive program.

Accordingly, 21 employees meeting both New York State and City criteria took advantage of the program, retiring during the period of November 6th through December 31, 2014. Attached (on file in the City Clerk's Office) is a proposed reorganization of the Niagara Falls Fire Department Office which is made possible as a result of some of these retirements. Where possible, positions have been eliminated or downgraded to maximize savings that will be allocated towards fulfillment of incentive obligations while maintaining essential services.

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

PUBLIC WORKS/PARKS, REORGANIZATION OF OFFICE

Agenda Item #12C

The City of Niagara Falls developed a City Employee Retirement Program for employees who were eligible to retire on or before December 31, 2014, pursuant to criteria established by the City of Niagara Falls and the New York State Retirement System. The incentive amount is \$20,000 per person, payable over a period of five years, with the first payment to be made during January of 2015. Elected officials, fire and police officers, and department heads were excluded from this incentive program.

Accordingly, 21 employees meeting both New York State and City criteria took advantage of the program, retiring during the period of November 6th through December 31, 2014. Attached (on file in the City Clerk's Office) is a proposed reorganization of the Department of Public Works/Parks Office which is made possible as a result of some of these retirements. Where possible, positions have been eliminated or downgraded to maximize savings that will be allocated towards fulfillment of incentive obligations while maintaining essential services.

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

CONTRACT: SHERATON HOTEL, EMPLOYEE PARKING PASSES

Agenda Item #13

The operator of the Sheraton Hotel has allowed the City to occupy approximately 676 square feet in its hotel building on a rent-free basis for the operation of the Ranger Program conducted under the auspices of the NFPD and the Office of Community Development. The City Assessor advises that the approximate fair market rent for this space is \$750.00 per month. The operator of the Sheraton has requested that in consideration for it allowing the City to occupy this space on a rent-free basis, it be granted access to up to 18 parking passes for parking privileges at the City-owned lot at the corner of Third Street and Niagara Street. Such access to these parking passes for no cost will continue for so long as the operator of the Sheraton Hotel allows the City to conduct its Ranger Program at the Sheraton Hotel location on a rent-free basis. The Director of the Department of Public Works will coordinate this initiative.

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

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

Yea
Nays

5
0

APPROVED

2015 CITY BUDGET, PARKS/PUBLIC WORKS BUDGET, ADJUSTMENT

Agenda Item #14

The 2015 budget process is now complete. A review of the final budget reveals that a clerical error was made in the Department of Parks and Public Works budget as it pertains to the Community Beautification Division (Account Code A.8510.0000) in that an appropriation in the amount of \$28,430 was made for a Clean Neighborhood Aide position when in fact that appropriation should have been designated for a Clean Neighborhood Inspector position. Please see the attached page (on file in the City Clerk's Office) for this budget item.

It is therefore requested that the attached page be corrected to designate the appropriation of \$28,430 for the position of Clean Neighborhood Inspector and the appropriation of \$28,430 for the job title Clean Neighborhood Aide be deleted.

Will the Council so approve?

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

Yea
Nays

5
0

APPROVED

RESOLUTION: CIMINELLI, FRANK L., HONORING, 2015-5

BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, Frank L. Ciminelli, founder of several local construction and real estate development companies, passed away on December 26, 2014, and

WHEREAS, Mr. Ciminelli was perhaps best known in recent years for his leadership of Ciminelli Real Estate Corporation, and

WHEREAS, Mr. Ciminelli was responsible for the development of millions of square feet of commercial real estate across several states, including in the City of Niagara Falls, perhaps most notably the Niagara Falls Public Safety Office on Main Street, and

WHEREAS, Mr. Ciminelli's success in business can be attributed in large measure to his honesty, integrity, and commitment to quality work, and

WHEREAS, he was involved in many civic and charitable organizations, including Catholic Charities, Sisters Hospital Foundation, the University at Buffalo Foundation, the Bishop's Lay Advisory Council, St. Luke's Mission of Mercy, Boys' Town of Italy, The Erie Community College Foundation, Business Backs the Bills, the Leukemia and Lymphoma Society, the Catholic Charities Appeal, Kenmore Mercy Foundation, Trocaire College, Children's Hospital of Buffalo, Roswell Park Alliance, United Way of Buffalo and Erie County, Sisters of Mercy of the Buffalo Regional Community and many others, and

WHEREAS, the City Council of the City of Niagara Falls wishes to remember Mr. Ciminelli's contributions to our city and region,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby honors Mr. Frank L. Ciminelli for his contributions to the well-being of the people of Western New York, in both his business and philanthropic endeavors.

Yea

5

Nays

0

ADOPTED

RESOLUTION: CUOMO, MARIO, GOVERNOR, HONORING, 2015-6
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, Mario M. Cuomo, who served as Governor of the State of New York from 1983 to 1994, passed away on January 1, 2015, and

WHEREAS, Mr. Cuomo also served as the Secretary of State of New York from 1975 to 1978, and as Lieutenant Governor from 1979-1982, and

WHEREAS, Mr. Cuomo's resume of legislative accomplishments includes comprehensive ethics reform for state lawmakers, the Rebuild NY Transportation Bond Act, increases in assistance to local law enforcement agencies in order to reduce crime, the enactment of the nation's first seat belt laws, the development of family support programs for the disabled, initiatives that succeeded in reducing the costs of prescription medications, the appointment of the first two female judges on the New York Court of Appeals, as well as the appointment of the first African-American and Hispanic Judges, and

WHEREAS, Mr. Cuomo's commitment to public service is captured in part by his words, "You find your own good in the good of the whole. You find your own individual fulfillment in the success of the community...", and

WHEREAS, the City Council of the City of Niagara Falls wishes to remember Mr. Cuomo and his legacy of public service,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby honors Mario M. Cuomo for his contributions to the State of New York and encourages the people of the City of Niagara Falls to honor his memory through their own commitment to public service and to the good of their community.

Yea

5

Nays

0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENTS/REAPPOINTMENTS, 2015-7
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #17

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

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
Willie Price 91 Deuro Drive Niagara Falls, NY 14304	12/31/2015
Laurie Davis 1316 24 th Street Niagara Falls, NY 14305	12/31/2015
Lisa Vitello 4859 Terrance Drive Niagara Falls, NY 14305	12/31/2015
Mark Mistriner 2945 North Avenue Niagara Falls, NY 14301	12/31/2015
Gay Molnar 2114 River Road Niagara Falls, NY 14304	12/31/2015
Mickey Dumas 1023 South Avenue Niagara Falls, NY 14305	12/31/2015
Shawn Weber 250 Rainbow Boulevard Niagara Falls, NY 14303	12/31/2015
Perry Jost 327 Buffalo Avenue Niagara Falls, NY 14303	12/31/2015
Dan Mehzir 2208 Weston Avenue Niagara Falls, NY 14305	12/31/2015
Ernest Lucantonio 2450 Forest Avenue Niagara Falls, NY 14301	12/31/2015
Adrienne Bedgood 2256 South Avenue Niagara Falls, NY 14305	12/31/2015
Kim Congi 8416 Carol Court Niagara Falls, NY 14304	12/31/2015
Ronald Drogemyer 300 3 rd Street Niagara Falls, NY 14303	12/31/2015

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Angela Berti Prospect Street & Old Falls Street Niagara Falls, NY 14303	12/31/2015
Jason Murgia 101 Old Falls Street Niagara Falls, NY 14303	12/31/2015
Patrick Proctor 454 Main Street Niagara Falls, NY 14301	12/31/2015
Denise Easterling 1306 Willow Ave. Niagara Falls, NY 14305	12/31/2015
Yea Nays	5 0
ADOPTED	

RESOLUTION: CITY COUNCIL, PROCEDURES
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #18

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that pursuant to Section 3.9.d of the City Charter, paragraph 3 of Item V of the Format for the Agenda, as adopted on November 27, 1989 and as amended on July 23, 1990, January 21, 1992 and October 18, 1993, is amended to read as follows:

3. The Chairman will enable members of the public to speak on any topic of concern to the welfare of the City for a time not to exceed [five (5)] three (3) minutes for each person; he may limit the number of speakers on a topic or agenda item or the overall public speaking time if the same will unduly delay the commencement of the agenda. All remarks shall be addressed to the Council as a body and not to any member thereof. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste and should refrain from making comments regarding individuals, including elected officials and City employees, unless such comments pertain to such individual's duties within City government. Although they may, nothing herein shall require the Mayor or the Council to answer questions or engage in debate at any City Council meeting.

Additions are underlined. Deletions are in [brackets].
Council Member Walker moved to Table the Resolution

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

TABLED

Council Member Choolokian stated that 3 or 5 minutes doesn't matter. Council Member Grandinetti said she believes Chairman Touma's intention is honorable to create a more efficient environment and personal attacks are not warranted.

Chairman Touma said changing time is consistent with County and other municipalities. This is not the Forum to make remarks about individuals.

RESOLUTION: FINANCIAL ADVISORY PANEL, CREATION, 2015-8
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #19

WHEREAS, the recent budget process has demonstrated that the City of Niagara Falls is facing significant financial stress in the year 2015 and beyond; and

WHEREAS, if left unaddressed, these financial difficulties may negatively impact City taxpayers through either higher taxes and/or reduction of necessary services; and

WHEREAS, to confront these issues in a meaningful way, it is necessary for the Niagara Falls City Council to have a thorough understanding of the nature of these economic difficulties, as well as access to proven and innovative solutions to the same; and

WHEREAS, to facilitate this, the City Council has determined that it would be prudent to solicit the advice and support of a panel of financial experts from outside City government to provide it with assistance as to these matters.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 3.6(a) of the City Charter, the City Council of the City of Niagara Falls, New York does hereby create a citizen Financial Advisory Panel to complement the effectiveness of this Council by providing it with recommendations on the City's fiscal policy, long-term financial commitments, capital improvements, budget items, management and delivery of services; additionally, the Financial Advisory Panel may also undertake special projects as directed by this Council; and

BE IT FURTHER RESOLVED, that the Financial Advisory Panel shall consist of no more than seven (7) members and that all members of the Financial Advisory Panel will be selected by and serve at the pleasure of the City Council, for a period ending no later than December 31, 2015 and will not be compensated for their activities on the Panel; and

BE IT FURTHER RESOLVED, that the Financial Advisory Panel will be responsible for establishing operating policies and/or by-laws in furtherance of its duties and shall work closely with the City Controller and her staff as well as all other department heads for the purpose of gathering the information necessary for its analysis and deliberations; and

BE IT FURTHER RESOLVED, that the Financial Advisory Panel will provide advice and recommendations only and will be required to submit the same to the City Council as requested by the City Council. The Panel will have no formal decision-making role, and will have no access to confidential supervisory or other confidential information, and will not have access to or discuss any non-public information regarding specific City financial matters; and

BE IT FURTHER RESOLVED, that all meetings of the Panel will be open to members of the public.

Yea	4
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Anderson, Choolokian, Walker, Chairman Touma	
--	--

Nay	1
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Grandinetti	
-------------	--

ADOPTED

Council Member Choolokian said that the Administration and Council are not on the same page, we have got to stop spending money.

Council Member Grandinetti said that she prefers that we go through the State Board.

Council Member Walker said this is something worth trying and we need another set of eyes.

Chairman Touma said there are a lot of residents who can offer their expertise and who want to get involved.

CITY PROPERTY: ENCROACHMENT, 744 10TH ST.

Agenda Item #20

The Niagara Falls Housing Authority is proposing certain improvements to its façade and also construct four 3' by 6' planters which will encroach into the City's right-of-way. The Planning Board has reviewed this matter and is recommending that the City Council approve this encroachment. Attached hereto is a copy of the Planning Board's recommendation. It is requested that the six conditions recommended by the Planning Board be incorporated into any City Council approval.

Will the Council so approve this request with the six Planning Board recommendations contained in its recommendation as part of the City Council's approval?

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

Yea
Nays

5
0

APPROVED

RESOLUTION: ADMINISTRATIVE ORDINANCES, AMENDING, 2015-9
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #21

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 103 of the Codified Ordinances entitled AAdministrative Ordinances@ is hereby amended by repealing Section 103.02 entitled "Law Library; Custodian; Penalty" and renumbering subsequent sections to read as follows:

[103.02 LAW LIBRARY; CUSTODIAN; PENALTY.

The Corporation Counsel shall be the custodian of the law library of the City and shall have charge of the same under the direction of the City Manager, who shall prescribe the rules for regulating the use of books by the public in such library, where not herein specifically provided, and who may, if he deems advisable, prohibit the taking of books from such library. When permitted, anyone taking books from the library shall register his name and address, title of books and date of taking with the person in charge of the Corporation Counsel's Office and shall return such book to the library before 5:00 p.m. of the day on which it was taken.

Any person violating the provisions of this section shall, in addition to being liable under the penalty prescribed for violation of the ordinances of the City, be liable to a penalty of ten dollars (\$10.00) to be recovered in a civil action]

[103.03] 103.02 LOST OR STOLEN PROPERTY.

• • •

[103.05] 103.03 PREPARATION OF PAYROLLS.

• • •

Yea
Nays

5
0

ADOPTED

RESOLUTION: AARON, JB, HONORING, 2015-10
BY: ALL COUNCIL MEMBERS

Agenda Item #22

WHEREAS, singer-songwriter and country music artist JB Aaron was born the youngest of six siblings in Niagara Falls, NY, and

WHEREAS, JB served his community as a firefighter and medical technician in the Town of Niagara with the Active Hose Fire Department for fifteen years, and

WHEREAS, JB has performed at the Niagara Falls, New York Festival of Lights, has performed on the Niagara Falls Firefighters Toy Fund Telethon for approximately 10 years, and routinely performs at nursing homes, cancer treatment centers, and hospitals, as well as at charity events and fundraisers for a number of organizations, including the American Diabetes Association and the American Cancer Society, and

WHEREAS, JB has also shared the stage with a number of national acts, including Miranda Lambert, Mark Wills, Low Cash Cowboys, Gloriana, Loretta Lynn, Big N Rich, Cowboy Troy, Frankie Ballard, Brian McComas, Wayde Hayes, Jeff Carson and many others, and

WHEREAS, JB entered the 33rd Annual Country Showdown, a nationwide competition, and won the local round, later winning the New York State title, and then the North East Regional title, and

WHEREAS, JB Aaron is now one of only five acts in the nation who will be performing at the original home of the Grand Ole Opry, the Ryman Auditorium, on Jan. 21st, 2015 for a chance at winning the title of "Best New Country Act" in America,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, does hereby congratulate JB Aaron on his success to date, and wishes him well as he competes in the Annual Country Showdown finals, and

BE IT FURTHER RESOLVED, that the City Council of the City of Niagara Falls, New York encourages JB to continue to make his city and community proud through his commitment to music and to using his talents to improve the lives of others.

Yea

5

Nays

0

ADOPTED

BUDGET, FUNDING FOR POSITIONS REMOVED

Agenda Item #23

As a result of certain activity that took place during the 2015 Budget process, certain temporary positions and others were eliminated and may now be restored. Attached hereto (on file in the City Clerk's Office) is a detailed list of these positions to be restored, inclusive of fringe benefits. This totals \$531,309.00. Funding is available from Casino Revenues.

Will the Council so approve?

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

Yea

4

Anderson, Grandinetti, Walker, Chairman Touma

Nays

1

Choolokian

APPROVED

Council Member Choolokian said that this was a bad Budget this year and we didn't have to raise taxes and have layoffs.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:04 P.M.

Carol A. Antonucci
City Clerk



FEBRUARY 2, 2015
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the February 2, 2015 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 Glenn Choolokian, Kristen Grandinetti and Charles Walker, Council Member Robert Anderson was absent.

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 Controller Maria Brown gave a Presentation on Casino Funds received to date and the Spending Plan for the disbursement of the Funds. Council Member Walker asked Mayor Paul Dyster how the spending of the Casino Funds reflects on the economy of the City, and that more still needs to be done with the Funds to help the economic development climate in the City. The Mayor responded that he is constantly working on doing just that. Council Member Choolokian said, with the recent crisis in developing the 2015 Budget, the City needs to take a step back in spending the Casino Funds, and invest in Projects with good paying jobs that will increase the tax base in the City. Chairman Touma thanked Mrs. Brown for the information she provided.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #9, relative to a Public Hearing, and a Resolution to be added to the Agenda.

1. An amendment to Agenda Item #9, relative to a Public Hearing on the abandonment of a portion of 76th Street.

Council Member Choolokian moved to amend the communication by changing the date of the Public Hearing to March 2.

Yea	4
Nay	0

MOTION TO AMEND APPROVED

2. A Resolution to be added to the Agenda relative to an appointment to the Planning Board.

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

Yea	4
Nay	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #11.

Council Member Choolokian asked about the benefit to the City for a Shared Services Agreement with the Town of Somerset for assessment services (Agenda Item #4), and if this takes time away from the City Assessor performing his duties for the City. Mrs. Brown spoke on the guidelines regarding the use of a City vehicle and gas by the Assessor, and City Assessor James Bird added that this Agreement is on year to year basis, and he will be working for the Town of Somerset in the evenings and on Saturdays, so this will not impact his responsibilities to the City.

Council Member Walker asked if there is a list of who receives the NFC Grants (Agenda Item #3). Mayor Dyster replied that the City gives the sum of money to the NFC, and the NFC decides who will receive the Grants and the amount to be given. A lengthy discussion followed.

Chairman Touma suggested looking into a position of Fleet Manager for the City to research the cost effectiveness of leasing vehicles rather than purchasing (Agenda Item 5), and he noted that the bid was awarded to a company from Missouri and not a local vendor. Mrs. Brown said that the interest rate to purchase vehicles was very high, and a lengthy discussion followed. City Administrator Donna Owens noted that hiring a Fleet Manager could be considered for the 2016 Budget, and each Department that used City vehicles was already doing their own research on the best way to acquire new vehicles.

This Session ended at 6:15 PM.

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

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

Ron Anderluh	Agenda Items #2, #3, #10A
Henry Krawczyk	Agenda Items #3, #9, #10, #10A
Ken Hamilton	Agenda Items #1, #9, #10
Robert Ventry	Agenda Items #1, #3, #10
Ron Anderluh	Parking revenues
Henry Krawczyk	Issues with Seneca Nation regarding Convention Center/Casino
Ken Hamilton	Issue with Council Meeting times & speaker limits; Candidate campaign filing issues
Ron Cunningham	Approves of NFHA exemption from garbage fees; need more beautification in City for tourists; parking fees; Council has the right to choose Chairman; Public should stay out of candidates campaign filing issues
Robert Ventry	Council should hold Public Hearing before accepting Codified Charter; excessive amount of bulk items in City for pickup; grass cutting Contract should be awarded in the beginning of the season

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BUFFALO AVE. RECONSTRUCTION, ENGINEERING SERVICES CONTRACT, C & S ENGINEERS, INC.

Agenda Item #1

The City Council previously approved resolutions and appropriated funding, which is federally reimbursable, for the above referenced project that was awarded to C & S Engineers, Inc. on July 23, 2007.

Before completing the design for this project, the construction funding to be received from the NYSDOT was reduced. This funding reduction necessitated a change in design from a complete reconstruction to "preservation" or modified resurfacing project. This change order is needed to fund additional consultant design services related to this change in the project's scope.

However, existing funds allocated for the original design work are still available which will allow this additional work to be added to the contract without a change to the contract total (\$0.00) at this time. Funding is available in code H0634.2006.0634.0449.599.

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

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

Yea

Nay

4

0

APPROVED

CONTRACT: ENGINEERING SERVICES, CLARK PATTERSON LEE

Agenda Item #2

At the Council's January 21, 2014 meeting, it approved an agreement with Clark Patterson Lee to provide as needed engineering services in an amount not to exceed \$94,000 for one year and allowed for the agreement to be extended for an additional one year. (A copy of this item is attached) (on file in the City Clerk's Office).

A copy of a letter dated January 19, 2015 from Clark Patterson Lee is attached which outlines the services to be provided. The agreement will be in an amount not to exceed \$94,000 and it is recommended that the Council appropriate this sum from casino revenue and authorize the Mayor to execute an extension agreement in a form acceptable to the Corporation Counsel.

Will the Council so approve?

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

Yea

Grandinetti, Walker, Chairman Touma

Nay

Choolokian

3

1

APPROVED

Council Member Choolokian said that the Engineer's salary has been increased but with this being an election year, he suggested the City look into a Shared Service Agreement with another municipality until the end of the year.

Chairman Touma said that since the City doesn't have a Professional engineer on staff, a Consulting Firm can provide this service.

NFC DEVELOPMENT CORPORATION, BUSINESS GRANTS/LOANS

Agenda Item #3

It is requested that the Council appropriate \$820,000 of casino funds (Tribal Fund) to the NFC Development Corporation for the funding of grants and loans. This amount has been previously reserved in the Economic Development portion of the City casino funds.

Will the Council so approve?

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

Yea

Grandinetti

Nay

Choolokian, Walker, Chairman Touma

1

3

DEFEATED

Council Member Choolokian said that after the Budget crisis last year, the City needs to step back and look carefully at spending.

Chairman Touma said the Council has questions on who is receiving grants/loans, so he is voting No at this time.

CONTRACT: ASSESSOR/TOWN OF SOMERSET, SHARED SERVICES

Agenda Item #4

Attached (on file in the City Clerk's Office) is a proposed shared services agreement with the Town of Somerset which provides for the City Assessor to also act as the Assessor for the Town of Somerset.

The agreement provides that Somerset will cover the costs related to the work and pay the sum of \$15,000 annually to the City of Niagara Falls. The Assessor will devote 16 hours per month to Somerset.

Of the \$15,000, the City will retain \$5,000 and the Assessor will be paid \$10,000.

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

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

Yea
Nays

4
0

APPROVED

CONTRACT: VEHICLE LEASES, ENTERPRISE FLEET MANAGEMENT

Agenda Item #5

We respectfully request the Council to authorize the Mayor to execute a lease agreement with Enterprise Fleet Management, 600 Corporate Park Drive, St. Louis, MO 63105 satisfactory to the Corporation Counsel as follows:

	Price Per Year	Total Price for 36 Month Term
Three (3) 36 Month Leases for 2015 Jeep Patriots for Department of Engineering Department	\$3,722.13/vehicle (\$11,166.39 total)	\$33,499.17
One (1) 36 Month Lease for a 2015 Jeep Patriot for Department of Public Works - Clean Neighborhood	\$3,722.13	\$11,166.39
Three (3) 36 Month Leases for 2015 Ford Fusions for Department of Community Development	\$3,645.09/vehicle (\$10,935.27 total)	\$32,805.81

Quotes were solicited and the City received two (2) responses. In addition to Enterprise Fleet Management a quote was received from Steve Baldo Ford; 2015 Ford Escape "SE" (\$21,065.83/36 month term) and Ford Fusion "SE" (\$14,009.68/36 month term.)

Funds are available in the Engineering Department code A1440.0000.0440.003, Department of Public Works Clean Neighborhood code A8510.0000.0440.003 and Department of Community Development code CD1.8686.0001.0440.003.

Will the Council so approve?

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

Yea
Choolokian, Grandinetti, Walker
Nays
Chairman Touma

3
1

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #6

Please be advised that Mayor Paul A. Dyster, on January 26, 2015, duly approved the following:

Resolution 2015-9, relative to amending Chapter 103 of the Codified Ordinances entitled "Administrative Ordinances".

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: LANGER, TOM, LYNCH, MICHAEL P., MURPHY, JOHN, RENDINA, DAVID

Agenda Item #7

Date Claim Filed:	November 13, 2014 - November 18, 2014
Date Action Commenced:	N/A
Date of Occurrence:	October 23, 2014
Location:	911 Robbins Drive, Niagara Falls, New York
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	John Rosino
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claims.
Amount to be Paid:	See attached Schedule A. (on file in the City Clerk's Office)
Make Check Payable to:	See attached Schedule A. (on file in the City Clerk's Office)
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yea

4

Nays

0

APPROVED

IN REM AUCTION BIDS, APPROVAL

Agenda Item #8

Attached (on file in the City Clerk's Office) is the list of bids from the December 3, 2014 auction.

With respect to Schedule A properties Ward 9, Pro 3005, Ward 12, Pro 8056, Ward 13, Pro 3380 and Ward 13, Pro 3381, 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 the exception of the above, we recommend that the bids for Schedule A properties be approved. The bids for Schedule B properties do not require Council approval and are submitted for your information.

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

Yea

4

Nays

0

APPROVED

RESOLUTION; 76TH STREET, ABANDONMENT, PUBLIC HEARING 2015-11
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #9

WHEREAS, the adjoining property owner has requested the abandonment of a portion of 76th Street, north of Niagara Falls Boulevard; and

WHEREAS, the Planning Board of the City of Niagara Falls has recommended against the granting of this abandonment; and

WHEREAS, this Council declares its intention to abandon said portion of 76th Street.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, that a public hearing be held relative to the abandonment of the aforementioned street portion, said public hearing to be held at a meeting of the Council to be held at the Council Chambers in City Hall on March 2, 2015 at 6:00 p.m. standard time and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said street portion in the official newspaper once a week for two (2) successive weeks preceding March 2, 2015.

Yea	3
Grandinetti, Walker, Chairman Touma	
Nay	1
Choolokian	

ADOPTED

Council Member Choolokian said that the Planning Board has noted No on this, so he is voting No.

RESOLUTION: CITY COUNCIL, PROCEDURES
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #10

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that pursuant to Section 3.9.d of the City Charter, paragraph 3 of Item V of the Format for the Agenda, as adopted on November 27, 1989 and as amended on July 23, 1990, January 21, 1992 and October 18, 1993, is amended to read as follows:

3. The Chairman will enable members of the public to speak on any topic of concern to the welfare of the City for a time not to exceed [five (5)] three (3) minutes for each person; he may limit the number of speakers on a topic or agenda item or the overall public speaking time if the same will unduly delay the commencement of the agenda. All remarks shall be addressed to the Council as a body and not to any member thereof. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste and should refrain from making comments regarding individuals, including elected officials and City employees, unless such comments pertain to such individual's duties within City government. Although they may, nothing herein shall require the Mayor or the Council to answer questions or engage in debate at any City Council meeting.

Additions are underlined. Deletions are in [brackets].

Council Member Choolokian moved that the communication be Removed from the Table

Yea	4
Nay	0

MOTION TO REMOVE FROM TABLE APPROVED

RESOLUTION: CITY COUNCIL, PROCEDURES
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #10A

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that pursuant to Section 3.9.d of the City Charter, paragraph 3 of Item V of the Format for the Agenda, as adopted on November 27, 1989 and as amended on July 23, 1990, January 21, 1992 and October 18, 1993, is amended to read as follows:

3. The [Chairman] Chairperson will enable members of the public to speak on any topic of concern to the welfare of the City for a time not to exceed [five (5)] four (4) minutes for each person; he may limit the number of speakers on a topic or agenda item or the overall public speaking time if the same will unduly delay the commencement of the agenda. All remarks should be addressed to the Council as a body and not to any member thereof. Speakers should refrain from making comments regarding individuals, including elected officials and City employees, unless such comments pertain to such individual's duties within City government.

Additionally, all members of the public and all public officials shall be allowed to take audio and/or visual recordings (including photographs) of the public portions of City Council meetings. No recording is permitted during executive sessions. Any such recordings must be done in a matter which does not interfere with the meeting.

If the Chairperson determines that any such recording is being done in an intrusive manner, taking into consideration, among other factors, the frequency and brightness of any lights, distance from the deliberations of the City Council, size of the equipment and the ability of the public to view and participate in the meeting, the Chairperson may request an accommodation to avoid the interference, and if not complied with, may ask the individual(s) to leave the Council Chambers.

Additions are underlined. Deletions are in [brackets].

Yea	2
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Grandinetti, Chairman Touma	
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Nay	2
-----	---

Choolokian, Walker	
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DEFEATED

Council Member Choolokian said that as an Elected Official, he is willing to listen to his constituents.

Chairman Touma said that he had received comments from many residents who said they do not attend Council Meetings because the Meetings are too long and the issue is not the amount of time for the Speakers but personal attacks by the Speakers.

RESOLUTION: PLANNING BOARD, APPOINTMENT, 2015-12
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #11

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Planning Board effective immediately, for a term ending on the date that appears opposite his name:

APPOINTMENT	TERM ENDS:
-------------	------------

C. Earl Smeal 8494 West Rivershore Drive Niagara Falls, New York 14304	12/31/2017
--	------------

Yea	4
Nay	0

APPROVED

There being no further business to come before the Council,
Chairman Touma adjourned the Meeting at 7:13 P.M.

Carol A. Antonucci
City Clerk



February 17, 2015

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the February 17, 2015 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 Robert Anderson, Glenn Choolokian, Kristen Grandinetti 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 City Council Meetings of January 20 and February 2, 2015.

Yea
Nays

5
0

APPROVED

LaSalle Preparatory School National Junior Honor Society Students read essays they had written on "What Freedom Means to Me". Council Chairman Andrew Touma read a Council Resolution honoring the students (Agenda Item #13), and the Council Members presented commemorative City pins to the students. Chairman Touma also read a Resolution honoring Jaemon Turner, Avion Harris and Jalen Bradberry, who were chosen to represent Western New York at the Melo 11 Pearl Classic 195 Basketball Tournament (Agenda Item #17), and the Council Members presented copies of the Resolution to the honorees.

Senior Project Designer Mike DeSantis spoke on the Ice Pavilion Project. He gave a brief history on the Project, and said that, to date, \$6.1 million dollars has been spent for the Project, making the Project approximately 60% complete. The additional Items on the Agenda (Agenda Items # 5 - 10) will bring the Project to 90% completion, with work on the outside lighting and parking lot left to be done. These Agenda Items are for work on both Rinks, and, once the work is completed, will allow for year round use of the Rinks. Gene Carella, the Lessee for the Ice Pavilion, gave a report on the economic impact on the City for use of the Ice Pavilion, and City Controller Maria Brown gave information on the Bond Resolution (Agenda Item #16) for payment of the Agenda Items relating to the Ice Pavilion.

City Administrator Donna Owens gave an update on the Refuse and Recycling Program. She said that several calls had been received from residents for additional totes; requested applications for Porter Service had been sent out and 13 had been returned; and the recycling participation rate is now at 11%. Council Member Walker asked about temporary workers on this Program, and City Administrator Owens replied that four were still needed for education and enforcement. A lengthy discussion followed.

City Administrator Owens said that the Mayor would give his State of the City Address on February 18 at 6 PM at the Conference Center.

Mayor Paul Dyster said that he had attended and been a guest Speaker at the Ceremony in Niagara-on-the-Lake, Ontario, commemorating the BiCentennial of the signing of the Treaty of Ghent, which ended the War of 1812. The Mayor's Speech at the Ceremony, and a letter from President Barack Obama, are as follows:



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

City Hall
745 Main Street

Paul A. Dyster
Mayor

Website: www.niagarala.usa.org
e-mail: paul.dyster@niagarafallsn.gov

Phone: (716) 288-4310
Fax: (716) 288-4349

Greetings, everyone. It is with a combined sense of great pride and great humility that I join with you today in commemorating the historic events of two centuries ago. As we have walked together from battlefield to battlefield down our shared trail of tears these last few years, jointly remembering the heroism and glory, but just as often the pain and suffering of that long-ago war, we have awaited in common anticipation the opportunity at long last not merely to commemorate a great battle together, but to celebrate a great peace. That day is finally upon us.

Many dedicated people have labored these last several years to ensure that neither the sacrifices of war, nor the blessings of the ensuing peace, will ever be taken for granted by future generations. I know how great a relief it is that we are finally at the end of our road. I can only image how it felt for the original participants, but I assume that from Royals and Presidents, to privates and militiamen, to common everyday people simply tired of the ravages of war, it must have been a day of great joy. As we stood at Chippawa or Lundy's Lane, did some of us think we could hear, in the distance, in the breeze, above the sounds of the re-enactors muskets and cannons, our ancestors' faintly echoing cries of pain and sorrow? So today, I hope we can all hear their resounding cries of joy, and sighs of relief. Today the war is over. God be praised.

Much has changed in the two hundred years since the signing of the Treaty of Ghent, but one thing has not. We who celebrate here today—Britains, Canadians and Americans alike—are trunk and branches of the same tree, grown from the same roots. Just as a mighty oak tree grows even stronger with age, so our common bonds of politics, culture, commerce and friendship have grown ever tighter through the years, so that today there is no stronger bond in the family of nations than that which binds us, forever together.

It is now my great honor to read a message from the President of the United States of America.

THE WHITE HOUSE

WASHINGTON

I am pleased to join in commemorating the 200th anniversary of the Treaty of Ghent.

A few short decades after our Founders declared independence, America again fought to preserve our young Republic in the War of 1812. The fate of our Nation hung in the balance, and daring patriots battled for the land they loved. With the ratification of the Treaty of Ghent in February of 1815, Great Britain and the United States came together to end the war and establish a strong foundation for cooperation in the years to come.

In marking this anniversary, we reaffirm the bonds between the United States, the United Kingdom, and Canada, and we rededicate ourselves to forging a world that reflects our commitments to lasting peace, security, and prosperity. These values have united our peoples for two centuries, and as we work together to confront global challenges, they will sustain our partnership and friendship.

As we observe this bicentennial, let us once again devote ourselves to advancing liberty and reaching for the promise of a brighter, more peaceful future for all.

A handwritten signature in black ink, appearing to read "Barack Obama", is enclosed within a large, roughly circular oval. The signature is fluid and cursive, with a prominent 'B' at the beginning.

Corporation Counsel Craig Johnson distributed copies of a Resolution to be added to the Agenda relative to honoring Jaemon Turner, Avion Harris and Jalen Bradberry.

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

Yea	5
Nay	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED
The Resolution was added to the Agenda as #17.

Chairman Touma spoke on Agenda Item #15, a Resolution relative to a change in the Meeting times for the Council. He said he was trying to be responsive to his constituents by moving the times back an hour, and suggested trying the new times for six months to see if citizen attendance increased at the Meetings. Council Member Choolokian added that the Meeting times have been moved up for the safety of residents due to outside darkness occurring earlier.

This Session ended at 6:32 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 Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Grandinetti welcomed the Niagara Falls High School students who were present for the Meeting.

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

Candice Corsaro	Agenda Items #12, #16
Ron Anderluh	Parking Meters-glad that bids are out; More than 40 meters needed in the Downtown area; recommended that meters Be in place by Memorial Day
James Woomer	Issues with frozen water lines in his Home
Robert Ventry	Council Meeting time change
Joelle Lewis	Fix maintenance issues starting In House
Chris Webster	Issue with registering to vote; junk cars & snow buildup on sidewalks in area of 66 th & 67 th Sts.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

Agenda Item #1
CLAIMS FOR THE MONTH OF JANUARY 2015
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2
CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2015
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SIDEWALK REPLACEMENT PROJECT, VENTRY CONCRETE CONTRACTING

Agenda Item #3

A contract for the above referenced project was awarded to Ventry Concrete Contracting on March 31, 2014 in the amount of \$438,950.00.

After the start of the project, it was determined by field conditions that this year's sidewalk replacement program contained a substantial increase in sidewalk ramps and affected driveway aprons, while simultaneously minimizing the amount of curb work typically undertaken. The amount of overrun on the six (6") inch concrete installations was more than offset by underruns in granite and concrete curbing, allowing more sidewalk to be replaced for no increase in the contract total.

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

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

Yea
Nays

5
0

APPROVED

NIAGARA COUNTY OFFICE FOR THE AGING, USE OF LASALLE SENIOR FACILITY, WAIVING FEES

Agenda Item #4

Attached hereto (on file in the City Clerk's Office) to a copy of a communication to the City Council dated August 27, 2013 regarding the above matter, which was unanimously approved by the City Council during its meeting on September 3, 2013.

The NCOFA operated under budget constraints during calendar years 2013 and 2014 and it is anticipated that these constraints will continue for the foreseeable future. Based upon information provided to her, the City's Senior Citizens Program Coordinator believes that the NCOFA will relocate to a location outside of the City if fees are charged for the program to operate out of the LaSalle Facility. Resident senior citizens benefit greatly from the program being offered by NCOFA at the LaSalle Facility and would be disadvantaged if the program were to cease its operations at the LaSalle Facility. Attached hereto is a copy of a communication to the City Council from the City's Senior Service Program Coordinator in this regard which emphasizes the importance of the program offered by the NCOFA at the LaSalle Facility, hence benefiting the City.

Based upon all this information, it is requested that the City Council waive any fees which may be due from the NCOFA for occupying the LaSalle Facility for years 2014 and for future foreseeable years. The Senior Service Program Coordinator will monitor this on a regular basis and advise if any changes need to be made.

Will the Council so approve?

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

Yea
Nays

5
0

APPROVED

CONTRACT: ICE PAVILION, CONSULTANT SERVICES, DIDONATO ASSOCIATES

Agenda Item #5

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 new work involves full time Construction Inspection, on-site coordination of multiple Prime contractors and all related testing, for Phase IV of the project.

It is the recommendation of the undersigned that the City extend the existing professional service agreement with DiDonato Associates P.E. in the amount of \$129,876.00 to provide continuing on-site inspection for a new total of \$304,876.00.

This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$304,876.00 be approved.

Will the Council vote to so approve?

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

Yea

3

Grandinetti, Walker, Chairman Touma

Nay

2

Anderson, Choolokian

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #16, was defeated

CONTRACT: ICE PAVILION, PLUMBING CONTRACT, J. R. SWANSON PLUMBING, INC.

Agenda Item #6

The following was the result of bids received on February 6, 2015, for the above referenced project:

CONTRACTOR	BASE BID
J.R. Swanson Plumbing, Inc.	\$94,800.00
413 103 rd St.	
Niagara Falls NY 14304	
Mollenberg Betz, Inc.	\$108,100.00
Ackerman Plumbing, Inc.	\$119,545.00
Danforth	\$132,300.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, J.R. Swanson Plumbing, Inc., at their Base Bid of \$94,800.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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.

Yea

3

Grandinetti, Walker, Chairman Touma

Nay

2

Anderson, Choolokian

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #16, was defeated.

CONTRACT: ICE PAVILION, ELECTRICAL CONTRACT, SOUTH BUFFALO ELECTRIC INC.

Agenda Item #7

The following was the result of bids received on February 6, 2015, for the above referenced project:

CONTRACTOR	BASE BID
South Buffalo Electric Inc.	\$83,285.00
1250 Broadway St.	
Buffalo NY 14212	
M&M Electric Co. Inc.	\$84,900.00
Frey Electric Co.	\$92,700.00
CIR Electric Construction	\$103,200.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, South Buffalo Electric Inc., at their Base Bid of \$83,285.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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.

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

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #16, was defeated.

CONTRACT: ICE PAVILION, GENERAL CONTRACT, SCRUFARI CONSTRUCTION SERVICES, INC.

Agenda Item #8

The following was the result of bids received on February 6, 2015, for the above referenced project:

CONTRACTOR	BASE BID	ALT. #2
ScruFari Construction Services Inc.	\$642,000.00	\$18,900.00
3925 Hyde Park Blvd.		
Niagara Falls NY 14305		
Sicoli Construction Services, Inc.	\$748,800.00	\$21,000.00
Sicoli & Massaro, Inc.	\$796,600.00	\$19,700.00
Rodems Construction Co.	\$876,000.00	\$15,300.00
Telco Construction Co.	\$877,000.00	\$15,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Scrufari Construction Services, Inc., at their Total Bid of \$660,900.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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.

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

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #16, was defeated.

CONTRACT: ICE PAVILION, ICE RINK CONTRACT, MOLLENBERG BETZ, INC.

Agenda Item #9

The following was the result of bids received on February 6, 2015, for the above referenced project:

CONTRACTOR	BASE BID
Mollenberg Betz, Inc.	\$1,720,000.00
300 Scott St.	
Buffalo NY 14204	
Total Mechanical Services, Inc.	\$1,729,475.00
Ice Builders, Inc.	\$1,937,000.00
Danforth	\$1,969,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Mollenberg Betz, Inc., at their Base Bid of \$1,720,000.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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.

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

DEFEATED

Chairman Touma said that the Ice Rink generates revenue for the region. This item is deemed defeated since the Bond Resolution, Agenda Item #16, was defeated.

CONTRACT: ICE PAVILION, MECHANICAL CONTRACT, PARISE MECHANICAL, INC.

Agenda Item #10

The following was the result of bids received on February 6, 2015, for the above referenced project:

CONTRACTOR	BASE BID
Parise Mechanical, Inc.	\$18,100.00
1106 Sheridan Drive	
Tonawanda NY14150	
J.R. Swanson Plumbing Co.	\$27,425.00
Greater Niagara Mechanical Inc.	\$37,300.00
Mollenberg Betz, Inc.	\$38,800.00
Danforth	\$38,900.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Parise Mechanical, Inc., at their Base Bid of \$18,100.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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.

Yea

Grandinetti, Walker, Chairman Touma

3

Nay

Anderson, Choolokian

2

DEFEATED

Council Member Grandinetti said that the impact the Ice Rink has on the City is huge.

This item is deemed defeated since the Bond Resolution, Agenda Item #16, was defeated.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #11

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2015 to March 31, 2017

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

Alvarez, Lorrie	NFPD
Bragg, James	Planning Dept.
Bosi, Shawn	NFPD
Caso, John	DPW
Guiliani, Amy	NFPD
Myers, Jen	DPW
Paonessa, Nicholas	NFPD
Tothill, David	DPW
Travis, Jane	Law Dept.
Wasson, Nadine	City Clerk's Dept.
Crea-Smith, Maria, Dr.	5252 Lewiston Rd., Lewiston, NY 14092
Dyster, Rebecca	626 Orchard Pkwy., Niagara Falls, NY 14301
Enns, Jillian	4215 Lower River Rd., Youngstown, NY 14174
Frame, Peggy	8431 Buffalo Ave., #16, Niag.Falls,NY 14304
Frye-Gallaher, Helen K.	287 West Ave., Lockport, NY
Godzisz, Stephen	1822 Hyde Park Blvd., Niag. Falls, NY 14305
Gallo, Janet	1822 Hyde Park Blvd., Niagara Falls, NY 14305
Jain, Ragini	6700 Lindbergh Ave., Niagara Falls, NY 14304
James, David	4660 Perry Ct., Lewiston, NY 14092
Joyce, James	2744 Thornwood Dr., Niagara Falls, NY 14304
Kelly, Michelle	6921 Nash Rd., North Tonawanda, NY 14120
Kephart, Kathy E.	6425 Sherman Dr., Lockport, NY 14094
Mameli, Vincent	462 77 th St., Niagara Falls, NY 14304
Merino, Gail	9365 Rivershore Dr., Niagara Falls, NY 14304
Moore, Allison	2653 Porter Rd., Niagara Falls, NY
Muto, Rozanne	642 19 th St., Niagara Falls, NY 14301
Piekarski, Eugene, Sr.	151 Buffalo Ave. #A1412, Niagara Falls, NY 14303

Restaino, Diana	826 College Ave., Niagara Falls, NY 14305
Reynolds, Janice	2490 South Ave., Niagara Falls, NY 14305
Scrivano, Betty	1269 91 st St., Niagara Falls, NY 14304
Shaffer, Brian	1401 Lafayette Ave., Niagara Falls, NY 14305
Smith, Pam	628 Chestnut Ave., Niagara Falls, NY 14305
Ubriaco, Randal	837 15 th St., Niagara Falls, NY 14301
Virtuoso, Dennis	2703 Independence Ave., Niagara Falls, NY 14301
Weigel, Jennifer	1422 Fort Ave., Niagara Falls, NY 14303
Council Member Choolokian moved that the communication be received and filed and the recommendation approved.	
Yea	5
Nay	0

APPROVED

RESOLUTION: FINANCIAL ADVISORY PANEL, APPOINTMENT, 2015-13
BY: ALL COUNCIL MEMBERS

Agenda Item #12

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Financial Advisory Panel effective immediately, for a term expiring on the date that appears opposite their names:

APPOINTMENTS

Janet Baker Scott 104-101 st Street Niagara Falls, NY 14304	12/31/2015
Francis A. Soda 4221 McKoon Avenue Niagara Falls, NY 14305	12/31/2015
Dr. Jay Walker 2419 Independence Avenue Niagara Falls, NY 14301	12/31/2015
Doreen O'Connor 1210 Brandi Drive Niagara Falls, NY 14304	12/31/2015
Carmen A. Granto 8674 Hennepin Avenue Niagara Falls, NY 14304	12/31/2015
Samuel P. Granieri 762-4 th Street Niagara Falls, NY 14301	12/31/2015
Lawrence H. Cook II 3811 Packard Road Niagara Falls, NY 14303	12/31/2015

Yea	4
Anderson, Choolokian Walker, Chairman Touma	
Nay	1
Grandinetti	

ADOPTED

Council Member Grandinetti said that while this Resolution is well intentioned, she wishes the City had gone with the State Advisory Board.

RESOLUTION: NATIONAL JUNIOR HONOR SOCIETY, HONORING, 2015-14
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, members of the LaSalle Preparatory School chapter of the National Junior Honor Society have presented to the Niagara Falls City Council on "What Freedom Means to Me", and

WHEREAS, these students have proven themselves to be exemplars of the National Junior Honor Society's "five pillars," namely, scholarship, leadership, service, character, and citizenship, and

WHEREAS, these students have exhibited scholarship by maintaining excellent grades in their schoolwork, and

WHEREAS, the members of the LaSalle Preparatory School chapter of the National Junior Honor Society have shown leadership by maintaining a positive attitude and a sense of responsibility for their actions and for the well-being of their peers, and

WHEREAS, these students have lived out the pillar of service by gladly volunteering for various causes, as well as by committing themselves to taking on difficult and inconspicuous responsibilities while at school in a spirit of kindness and a love for their community, and

WHEREAS, these students have exhibited character by remaining courteous, honest, reliable, and respectful of others, and setting a positive example for their classmates, and

WHEREAS, the members of the LaSalle Preparatory School chapter of the National Junior Honor Society have demonstrated citizenship through their presentations at the February 17 meeting of the Niagara Falls City Council, and

WHEREAS, the City Council of the City of Niagara Falls New York wishes to recognize the students from the LaSalle Preparatory School chapter of the National Junior Honor Society for their exemplary records, now

THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby honors the LaSalle Preparatory School chapter of the National Junior Honor Society, wishing them all the best in their future endeavors, and

BE IT FURTHER RESOLVED that the City Council of the City of Niagara Falls, New York hereby encourages all city residents to strive to live out the five pillars of the National Junior Honor Society, in order to bring about a better future for our city, country, and world.

Yea
Nays

5
0

ADOPTED

RESOLUTION: HISTORIC PRESERVATION COMMISSION, APPOINTMENT, 2015-15
BY: ALL COUNCIL MEMBERS

Agenda Item #14

BE IT RESOLVED, that the following individual is hereby reappointed to The City of Niagara Falls Historic Preservation Commission effective immediately, for a term expiring on the date that appears opposite his name:

REAPPOINTMENT

Christopher M. Stoianoff
2126 North Avenue
Niagara Falls, NY 14305

12/31/2018

Yea
Nays

5
0

ADOPTED

RESOLUTION: CITY COUNCIL, MEETING TIME CHANGE, 2015-16
BY: COUNCIL CHAIRMAN ANDREW TOUMA, COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #15

WHEREAS, during its Council meeting held on the 8th day of December, 2014, this City Council established dates for City Council meetings for calendar year 2015 and also scheduled its Committee-of-the-Whole work sessions to take place at 5:00 p.m. and its legislative sessions to take place at 6:00 p.m.; and

WHEREAS, the City Council has received numerous comments from City residents in the form of complaints that the City Council meetings are scheduled too early in the evening which prevents people from attending the meetings if they so desire; and

WHEREAS, the City Council is receptive to the concerns of its City residents.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that for the months of March, April and May, 2015, commencing with its meeting on March 2, 2015, and for each and every scheduled meeting thereafter during the months of March, April and May, 2015, the City Council of the City of Niagara Falls will hold its Committee-of-the-Whole work sessions at 6:00 p.m. and its legislative sessions at 7:00 p.m. on the meeting dates established in the resolution of December 8, 2014.

Council Member Walker moved to amend the Resolution by adding the provision that the Meeting Time Change would be for a 3-month trial period during the Months of March, April and May.

Yea	5
Nay	0

MOTION TO AMEND APPROVED

Council Member Walker moved to adopt the Resolution as amended	5
Yea	5
Nay	0

ADOPTED

RESOLUTION: ICE PAVILION BONDS, RECONSTRUCTION/CONSTRUCTION
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #16

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

Section 1. For the purpose of paying the cost of the reconstruction and construction of improvements to the Ice Pavilion in and for the City of Niagara Falls, Niagara County, New York, including original furnishings, equipment, machinery and apparatus, as well as incidental costs, there are hereby authorized to be issued \$3,100,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$3,100,000, which is hereby authorized at said maximum estimated cost.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

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

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) Such obligations are authorized in violation of the provisions of the Constitution.

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

Yea

3

Grandinetti, Walker, Chairman Touma

2

Nay

Anderson, Choolokian

DEFEATED

RESOLUTION FAILED-NEEDS 4 YEA VOTES TO PASS

Council Member Anderson said the City Controller had informed the Council that the City was already in the hole, so he doesn't want to incur additional debt. He had voted No to the other items on this Agenda related to the Ice Rink so he is voting No on this item also. He feels the Casino funds should be used for the Ice Rink renovations. Council Member Choolokian commended Mr. Carella for the work that has been done at the Ice Rink and said he supports the Project. However, due to the Budget crises of the past few years, he doesn't think the City should be borrowing any more money. He feels that money should have been set aside from Casino funds over the years to pay for this Project.

Council Member Walker said that he feels that this is a lot of money to spend with the financial issues facing the City. However, this is the most important and final phase of the Project and the City should move forward and finish the Project because of the amount of money already invested.

Chairman Touma said this is the final phase of the Project and he understands the concerns about additional borrowing of the City but the spinoff of the economic returns from the Ice Rink should be enough incentive to complete the Project.

RESOLUTION: TURNER, JAEMON, HARRIS, AVION, BRADBERRY, JALEN, HONORING,
2015-17
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, three players from the Western New York Elite Basketball Club, Jaemon Turner, Avion Harris, and Jalen Bradberry, have been hand-picked to represent Western New York at the Melo 11 Pearl Classic I95 Basketball Tournament, and

WHEREAS, this honor is afforded to only a select few players in Western New York, and

WHEREAS, these players performed well through several rounds of play and made their city proud by securing a spot in the final four teams of the tournament, playing their best in the semifinals, and

WHEREAS, the City Council of the City of Niagara Falls, New York wishes to honor Jaemon Turner, Avion Harris, and Jalen Bradberry for their athletic achievements, and to make it known that the city of Niagara Falls is honored to have been represented by these three talented young men, now

THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby honors Jaemon Turner, Avion Harris, and Jalen Bradberry for their achievements and commends them for the hard work they have done, and

BE IT FURTHER RESOLVED that the City Council of the City of Niagara Falls, New York wishes these three young men the best of luck in all of their future endeavors, with confidence that by putting forth the hard work and effort that they have dedicated to the sport of basketball, they can accomplish any goal that they put their minds to.

Yea
Nays

5
0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:35 P.M.

Carol A. Antonucci
City Clerk



March 9, 2015

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

March 5, 2015

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 9, 2015 at 3:45 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Approval of Change Order #1 for Consultant Services Agreement in the Contract of Ice Pavilion Phase IV, DiDonato Associates.
2. Approval of Letter of Award for Ice Pavilion Phase IV for Ice Rink Floor/Dasher Board replacement (Plumbing Contract) to J.R. Swanson Plumbing, Inc.
3. Approval of Letter of Award for Ice Pavilion Phase IV for Ice Rink Floor/Dasher Board replacement (Electrical Contract) to South Buffalo Electric Inc.
4. Approval of Letter of Award for Ice Pavilion Phase IV for Ice Rink Floor/Dasher Board replacement (Mechanical Contract) to Parise Mechanical, Inc.
5. Approval of Letter of Award for Ice Pavilion Phase IV for Ice Rink Floor/Dasher Board replacement (General Contract) to Scrufari Construction Services, Inc.
6. Approval of Letter of Award for Ice Pavilion Phase IV for Ice Rink Floor/Dasher Board replacement (Ice Rink Contract) to Mollenberg Betz, Inc.
7. Relative to authorizing the issuance of Bonds for the cost of the Reconstruction/Construction of improvements to the Ice Pavilion.

Respectfully submitted,

Andrew Touma, Council Chair

The March 9, 2015 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Andrew Touma at 3:45 p.m. in the Council Chambers.

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: ICE PAVILION, CONSULTANT SERVICES, DIDONATO ASSOCIATES

Agenda Item #1

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 new work involves full time Construction Inspection, on-site coordination of multiple Prime contractors and all related testing, for Phase IV of the project.

It is the recommendation of the undersigned that the City extend the existing professional service agreement with DiDonato Associates P.E. in the amount of \$129,876.00 to provide continuing on-site inspection for a new total of \$304,876.00.

This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda. Funding for the 2015 payment is budgeted from Casino Funding. It is anticipated that Casino Funds will be used for future Bond payments.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$304,876.00 be approved.

Will the Council vote to so approve?

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

Yea
Nays

5
0

APPROVED

Council Member Anderson said since the change had been made to use Casino Funds for the Principal & Interest on the Bond, he would vote in favor on these items. He also asked that the Administration & DPW set aside money in the Budget every year for preventative maintenance.

Council Member Choolokian said that since Day One he has advocated for the use of Casino Funds for this Project. He also said that Mr. Carella is doing a great job as the Lessee at the Ice Rink. He also suggested that if enough Casino Dollars are available next year that the entire Bond be paid off.

CONTRACT: ICE PAVILION, PLUMBING CONTRACT, J. R. SWANSON PLUMBING, INC.

Agenda Item #2

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
J.R. Swanson Plumbing, Inc.	\$94,800.00
413 103 rd St.	
Niagara Falls NY 14304	
Mollenberg Betz, Inc.	\$108,100.00
Ackerman Plumbing, Inc.	\$119,545.00
Danforth	\$132,300.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, J.R. Swanson Plumbing, Inc., at their Base Bid of \$94,800.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda. Funding for the 2015 Bond payment is budgeted from Casino Funding. It is anticipated that Casino funds will be used for future Bond payments.

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

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

Yea	5
Nay	0
	APPROVED

CONTRACT: ICE PAVILION, ELECTRICAL CONTRACT, SOUTH BUFFALO ELECTRIC, INC.

Agenda Item #3

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
South Buffalo Electric Inc.	\$83,285.00
1250 Broadway St.	
Buffalo NY 14212	
M&M Electric Co. Inc.	\$84,900.00
Frey Electric Co.	\$92,700.00
CIR Electric Construction	\$103,200.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, South Buffalo Electric Inc., at their Base Bid of \$83,285.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda. Funding for the 2015 Bond payment is budgeted from Casino Funding. It is anticipated that Casino funds will be used for future Bond payments.

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

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

Yea	5
Nay	0
	APPROVED

CONTRACT: ICE PAVILION, MECHANICAL CONTRACT, PARISE MECHANICAL, INC.

Agenda Item #4

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Parise Mechanical, Inc.	\$18,100.00
1106 Sheridan Drive	
Tonawanda NY14150	
J.R. Swanson Plumbing Co.	\$27,425.00
Greater Niagara Mechanical Inc.	\$37,300.00
Mollenberg Betz, Inc.	\$38,800.00
Danforth	\$38,900.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Parise Mechanical, Inc., at their Base Bid of \$18,100.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda. Funding for the 2015 Bond payment is budgeted from Casino Funding. It is anticipated that Casino funds will be used for future Bond payments.

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

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

Yea	5
Nay	0

APPROVED

CONTRACT: ICE PAVILION, GENERAL CONTRACT, SCRUFARI CONSTRUCTION SERVICES, INC.

Agenda Item #5

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT. #2</u>
Scrufari Construction Services Inc.	\$642,000.00	\$18,900.00
3925 Hyde Park Blvd.		
Niagara Falls NY 14305		
Sicoli Construction Services, Inc.	\$748,800.00	\$21,000.00
Sicoli & Massaro, Inc.	\$796,600.00	\$19,700.00
Rodems Construction Co.	\$876,000.00	\$15,300.00
Telco Construction Co.	\$877,000.00	\$15,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Scrufari Construction Services, Inc., at their Total Bid of \$660,900.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda. Funding for the 2015 Bond payment is budgeted from Casino Funding. It is anticipated that Casino funds will be used for future Bond payments.

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

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

Yea	5
Nay	0

APPROVED

CONTRACT: ICE PAVILION, ICE RINK CONTRACT, MOLLENBERG BETZ, INC.

Agenda Item #6

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Mollenberg Betz, Inc.	\$1,720,000.00
300 Scott St.	
Buffalo NY 14204	
Total Mechanical Services, Inc.	\$1,729,475.00
Ice Builders, Inc.	\$1,937,000.00
Danforth	\$1,969,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Mollenberg Betz, Inc., at their Base Bid of \$1,720,000.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda. Funding for the 2015 Bond payment is budgeted from Casino Funding. It is anticipated that Casino funds will be used for future Bond payments.

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

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

Yea	5
Nay	0

APPROVED

RESOLUTION: ICE PAVILION BONDS, RECONSTRUCTION/CONSTRUCTION, 2015-21

BY: COUNCIL CHAIRMAN ANDREW TOUMA, COUNCIL MEMBER ROBERT ANDERSON

Agenda Item #7

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

Section 1. For the purpose of paying the cost of the reconstruction and construction of improvements to the Ice Pavilion in and for the City of Niagara Falls, Niagara County, New York, including original furnishings, equipment, machinery and apparatus, as well as incidental costs, there are hereby authorized to be issued \$3,100,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$3,100,000, which is hereby authorized at said maximum estimated cost.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

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

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) Such obligations are authorized in violation of the provisions of the Constitution.

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

Yea	5
Nay	0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 3:50 PM.

Carol A. Antonucci
City Clerk



March 2, 2015

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the March 2, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:06 P.M. in the Council Chambers.

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

Absent: Council Member Robert Anderson

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

Council Member Choolokian moved to approve the Minutes from the City Council Meeting of February 17, 2015.

Yea

Nay

4

0

APPROVED

Chairman Touma announced a Special Order of Business, a Public Hearing relative to the abandonment of a portion of 76th Street north of Niagara Falls Boulevard, and asked if there were any speakers relative thereto. Benderson Attorney James Baglicli spoke on the company's requirements to move the Project on the parcel forward, and the steps taken by the company to insure the health and safety of the area and residents. David Boniello, Attorney for the owner of the property adjoining the area to be abandoned, expressed concerns about the Project.

Community Development Director Seth Piccirillo gave an update on the Downtown Stabilization Project. He said that new tax revenues are being realized from developments in the Downtown area; grant money has been received so no General Fund monies are being used; maintenance by the City will be needed for the area; and spin-off development will be realized for the area.

Mayor Paul Dyster asked City Controller Maria Brown to explain the costs involved for Bonds for the Ice Rink Project (Agenda Item #19). Mrs. Brown said that the Bond for \$3.1M would be a 15 year Bond, with annual payments of \$265,000, which payments would be paid with Casino funds. Council Member Choolokian asked why Casino funds were not put into the Budget, starting in 2009, to cover the costs for the Ice Rink Project, rather than bonding for the costs now. Senior Project Designer Mike DeSantis said that \$7M has been spent on the Project to date, and Council Member Grandinetti added that the Project is 65% complete and is already generating revenue for the City. A lengthy discussion followed. Council Member Choolokian also said that the practice of using Fund Balance to balance the Budget must decrease each year.

Chairman Touma asked Mayor Dyster what was being done to address the issue of frozen water lines throughout the City, and the Mayor responded that a meeting has been set up with the Water Board. Council Member Walker asked if 72nd Street has been evaluated to determine what the issue is, and the Mayor said that last year the City hired the firm of Clark, Patterson Lee to evaluate the street, and no cause was found for the frozen water lines. The Mayor said that once the ground has thawed, further testing will be done.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of a communication and a Resolution to be added to the Agenda.

1. A communication relative to rejecting a Bid from the December 4, 2014 In Rem Auction.

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

Yea	4
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #20.

2. A Resolution relative to a reappointment/appointment to the Tourism Advisory Board.

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

Yea	4
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #21.

This Session ended at 7:20 PM.

Chairman Touma reconvened the Meeting at 7:30 P.M. in the Council Chambers with all Council Members present except Council Member Anderson.

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:

Lisa Vitello	Agenda Item #19
Gene Carella	Agenda Item #19
Michael Henderson	Agenda Items #18, #19
Craig Avery	Agenda Item #19
Henry Krawczyk	Agenda Item #18
Vince Anello	Agenda Items #4, #7, #8, #9, #10, #11, #12, #19
Pat Proctor	Agenda Item #19
Joanne Gialloreno	Agenda Items #6, #19
Ron Anderluh	Agenda Item #5
Henry Krawczyk	In Rem Auction issues; use of Casino money; Benderson Projects
Linda Burge	Issues with frozen water lines
Vince Anello	Cost of Municipal Complex; wants Casino Spending Plan posted online; Post Financial Advisory Panel activities online
Charles Morris	Need activities for children in the City
Joanne Gialloreno	Water Board issues
Charles McCombs	Issues with frozen water lines
Robert Ventry	Ice Rink is important; parking meters hurt Businesses; need stronger Code Enforcement Dept.; Pothole at base of Porter Rd. Bridge
Jessica Rupert	No staffing at Police Sub-Station at 19 th & Ferry

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SKATE PARK DESIGN, SPOHN RANCH SKATEPARKS

Agenda Item #1

The Community Development Department has funds in its 2015 budget for construction of a skate park. The Department solicited proposals for the design of the park from skate park designers and local landscape architect firms. The following proposals were received by CD:

Spohn Ranch Skateparks, Los Angeles, CA	\$ 9,000.00
American Ramp Company, Joplin, MO	9,500.00
Joy Kuebler Landscape Architect, PC, NY	\$42,680.37

Spohn Ranch Skateparks has designed and built skate parks around the country, including in New York State. Spohn Ranch Skateparks also has designed and built facilities for ESPN X-games and similar competitions.

The proposal includes one in-person visit, preparation of schematic designs and renderings, preparation of construction documents and technical specifications, and cost estimates. The fee includes reimbursable expenses. The company is able to provide the services required under this contract.

Construction funds in the 2015 CD budget can be used after HUD approval of the budget and release of the funds. If the design is completed by the time funding is released, the project can be completed this year. The design services for which approval is requested herein are to be paid with casino revenues. Casino revenues are available to pay for the services.

Will the Council vote to award the design contract to Spohn Ranch Skateparks for the skate park design as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yea

4

Nay

0

APPROVED

COMMUNITY DEVELOPMENT: DEMOLITION FUNDS, TRANSFERRING

Agenda Item #2

The United States Department of Housing and Urban Development (HUD) determined that \$140,163.95 in Community Development Block Grant (CDBG) funds were used for activities that did not meet the federal national objectives. The finding stems from NFC Development Corp. small business assistance projects between 1994 and 2007 which used CDBG funds. The projects failed to achieve or document the required job creation levels.

It is very important to note that small business loans are eligible CDBG activities. Neither CD nor NFC misappropriated any funding. The questioned loans all required the small businesses to meet the job creation standards.

In some instances, the businesses did not provide job creation statistics required to demonstrate compliance. In other instances, the businesses submitted the statistics, but did not create the required jobs. Some of the loans have been repaid in full or in part. With two of the loans, the amount was fully repaid, but the job creation goals were either not met or not reported after several inquiries.

Lack of full repayment, lack of any repayment, lack of job creation, lack of job creation statistics or a combination of those factors led to the HUD findings. If the owner fails to create jobs, refuses to report job creation statistics, or fails to repay the loan, the city is obligated to refund HUD. This is why, as a matter of current CD policy, CDBG funds are no longer used for small business loans.

This dollar amount represents 0.31 percent of the total CDBG funds awarded to Niagara Fall Community Development (CD) over that time period. It is HUD policy that the federal line of credit must be repaid from non-federal funds for any project that does not meet its national objective.

CD has negotiated a repayment solution with HUD that does not require the expenditure of new funding. The City can transfer \$140,163.95 from the demolition line of the City's annual budget to the City's CDBG federal line of credit. Once transferred, the \$140,163.95 will remain available to the City. The funds will be drawn down by the Community Development Department and used specifically for demolitions.

Even without this transfer, CD-funded demolitions are made in coordination with the Code Enforcement/Inspections Department. All houses which are demolished are first designated for demolition through the Code Enforcement/Inspections Department. The level of coordination will remain in place for these transferred funds.

The result of this action is to transfer funding from the City's Code Enforcement/Inspections demolition line to the City's CD demolition line. This transfer will not have any impact on the number of demolitions completed. It is standard practice for the City's demolition contracts to be funded by both City and CDBG funding sources.

Upon approval, the funds will be transferred from City budget line H.0910.2009.0910.0449.599 to HUD and added to the City's CDBG federal line of credit. These funds will then be available for expenditure for CD Project Number CDR 699, Clearance and Demolition, under CD budget line CD1.8666.0000.0450.500.

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

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

Yea
Nays

4
0

APPROVED

ITALIAN FESTIVAL, FUNDING

Agenda Item #3

The City has been asked to contribute the sum of \$2,500 toward the cost of the annual Italian Festival to take place from Friday, July 31, 2015 through Sunday, August 2, 2015 on Pine Avenue between Portage Road and 15th Street. Attached(on file in the City Clerk's Office) is a letter of request from the sponsor.

Funding is available from Tourism Fund Balance.

Will the Council so approve?

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

Yea
Nays

4
0

APPROVED

PUBLIC WORKS: SENIOR STOREKEEPER POSITION, RESTORATION

Agenda Item #4

The Acting Director of the Department of Public Works is requesting that the position of Senior Storekeeper be restored. The position was eliminated as the result of a retirement; however, it has become apparent that the position is necessary to maintain the auto parts inventory for the City. The total annual cost is \$75,062.53, inclusive of benefits but the cost for the remainder of this year, commencing March 3, 2015, will be approximately \$63,515. Attached (on file in the City Clerk's Office) is a spreadsheet detailing the various costs.

Funding is available from various vacant positions throughout the City, not including Police and Fire.

Will the Council so approve?

Council Member Walker moved that the communication be Tabled.

Yea

4

Nays

0

TABLED

425 THIRD STREET, PURCHASE

Agenda Item #5

The Director of Community Development is requesting the City move forward on the purchase of 425 Third Street. Attached (on file in the City Clerk's Office) hereto is a communication from the Director to the Chairman of the Planning Board which details the specific reasons for this acquisition. Also attached hereto is a copy of the Planning Board's recommendation to the City Council to acquire this parcel.

The Director advises that the property is listed for sale for the sum of \$45,000 and that is the price he is recommending that the City offer to purchase it. Attached hereto is an opinion from the City Assessor stating that this is a fair price for the City to pay for this parcel.

Funding is available from a grant from the 2012 Regional Economic Development Council.

Will the Council so approve and authorize the Mayor to execute a sale and purchase agreement acceptable to the Corporation Counsel?

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

Yea

4

Nays

0

APPROVED

SWEET TEAM: FUNDING FOR BALANCE OF BUDGET

Agenda Item #6

THIS ITEM WAS PULLED FROM THE AGENDA
THERE WAS NO ACTION TAKEN ON THIS ITEM.

CONTRACT: ICE PAVILION, CONSULTANT SERVICES, DIDONATO ASSOCIATES

Agenda Item #7

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 new work involves full time Construction Inspection, on-site coordination of multiple Prime contractors and all related testing, for Phase IV of the project.

It is the recommendation of the undersigned that the City extend the existing professional service agreement with DiDonato Associates P.E. in the amount of \$129,876.00 to provide continuing on-site inspection for a new total of \$304,876.00.

This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$304,876.00 be approved.

Will the Council vote to so approve?

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

Yea

3

Grandinetti, Walker, Chairman Touma

Nay

1

Choolokian

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #19, was defeated.

CONTRACT: ICE PAVILION, PLUMBING CONTRACT, J. R. SWANSON PLUMBING INC.

Agenda Item #8

The following was the result of bids received on February 6, 2015, for the above referenced project:

CONTRACTOR	BASE BID
J.R. Swanson Plumbing, Inc.	\$94,800.00
413 103 rd St.	
Niagara Falls NY 14304	
Mollenberg Betz, Inc.	\$108,100.00
Ackerman Plumbing, Inc.	\$119,545.00
Danforth	\$132,300.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, J.R. Swanson Plumbing, Inc., at their Base Bid of \$94,800.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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.

Yea

3

Grandinetti, Walker, Chairman Touma

Nay

1

Choolokian

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #19, was defeated.

CONTRACT: ICE PAVILION, ELECTRICAL CONTRACT, SOUTH BUFFALO ELECTRIC INC.

Agenda Item #9

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
South Buffalo Electric Inc.	\$83,285.00
1250 Broadway St.	
Buffalo NY 14212	
M&M Electric Co. Inc.	\$84,900.00
Frey Electric Co.	\$92,700.00
CIR Electric Construction	\$103,200.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, South Buffalo Electric Inc., at their Base Bid of \$83,285.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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.

Yea	3
Grandinetti, Walker, Chairman Touma	
Nay	1
Choolokian	

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #19, was defeated.

CONTRACT: ICE PAVILION, MECHANICAL CONTRACT, PARISE MECHANICAL, INC.

Agenda Item #10

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Parise Mechanical, Inc.	\$18,100.00
1106 Sheridan Drive	
Tonawanda NY14150	
J.R. Swanson Plumbing Co.	\$27,425.00
Greater Niagara Mechanical Inc.	\$37,300.00
Mollenberg Betz, Inc.	\$38,800.00
Danforth	\$38,900.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Parise Mechanical, Inc., at their Base Bid of \$18,100.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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

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

Yea	3
Grandinetti, Walker, Chairman Touma	
Nay	1
Choolokian	

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #19, was defeated.

CONTRACT: ICE PAVILION, GENERAL CONTRACT, SCRUFARI CONSTRUCTION SERVICES, INC.

Agenda Item #11

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT. #2</u>
Scrufari Construction Services Inc. 3925 Hyde Park Blvd.	\$642,000.00	\$18,900.00
Niagara Falls NY 14305		
Sicoli Construction Services, Inc.	\$748,800.00	\$21,000.00
Sicoli & Massaro, Inc.	\$796,600.00	\$19,700.00
Rodem Construction Co.	\$876,000.00	\$15,300.00
Telco Construction Co.	\$877,000.00	\$15,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Scrufari Construction Services, Inc., at their Total Bid of \$660,900.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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.

Yea	3
Grandinetti, Walker, Chairman Touma	
Nay	1
Choolokian	

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #19, was defeated.

CONTRACT: ICE PAVILION, ICE RINK CONTRACT, MOLLENBERG BETZ, INC.

Agenda Item #12

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Mollenberg Betz, Inc. 300 Scott St.	\$1,720,000.00
Buffalo NY 14204	
Total Mechanical Services, Inc.	\$1,729,475.00
Ice Builders, Inc.	\$1,937,000.00
Danforth	\$1,969,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Mollenberg Betz, Inc., at their Base Bid of \$1,720,000.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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.

Yea	3
Grandinetti, Walker, Chairman Touma	
Nay	1
Choolokian	

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #19, was defeated.

CONTRACT: TRAFFIC SIGNALS AT THIRD ST. & RAINBOW BLVD., RELOCATION, M & M ELECTRIC CO., INC.

Agenda Item #13

After soliciting three competitive bidders, the following company proved to be the actual responsible low-bidder for the above-referenced project:

M&M Electric Co. Inc.	\$14,460.00
4819 Henry Ave.	
Niagara Falls NY 14304	

Funding will be available 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.

Yea	4
Nays	0

APPROVED

CONTRACT: BOILER REPLACEMENT, DPW ADMIN. BLDG., J.R. SWANSON PLUMBING CO., INC.

Agenda Item #14

After soliciting three competitive bidders, the following company proved to be the actual responsible low-bidder for the above-referenced project:

J.R. Swanson Plumbing Co. Inc.	\$9,100.00
413 103 rd Street	
Niagara Falls NY 14304	

Funding will be available 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.

Yea	4
Nays	0

APPROVED

CONTRACT: JOHN DUKE CENTER/SAL MAGLIE PARKING LOT RESURFACING PROJECT, LOUIS DELPRINCE & SONS.

Agenda Item #15

A contract for the above referenced project was awarded to Louis DelPrince & Sons, Inc. on September 15, 2014 in the amount of \$240,805.00.

After the start of the project, additional quantities of existing stone base material was found to be unsuitable for reuse and was removed and replaced. The costs associated with the extra labor and materials needed to remove and replace the failed paving material were \$1,325.25, bringing the total to \$242,130.25. Funding is available in code H0827 to H1312.

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.

Yea	4
Nays	0

APPROVED

CONTRACT: TRAFFIC SIGNALS AT FOURTH ST. & RAINBOW BLVD., RELOCATION, M&M ELECTRIC CO., INC.

Agenda Item #16

After soliciting three competitive bidders, the following company proved to be the actual responsible low-bidder for the above-referenced project:

M&M Electric Co. Inc.	\$11,136.00
4819 Henry Ave.	
Niagara Falls NY 14304	

Funding will be available 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.

Yea	4
Nay	0

APPROVED

RESOLUTION: YOUTH BOARD, APPOINTMENTS/REAPPOINTMENTS, 2015-18
BY: COUNCIL MEMBER CHARLES A. WALKER

Agenda Item #17

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

<u>RE-APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Noreen Chatmon	12/31/2017
Bryan Rotella	12/31/2017

BE IT FURTHER RESOLVED, the following individuals are hereby appointed to the City of Niagara Falls Youth Bureau for the term expiring on the date which appears opposite their names:

<u>APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Theresa Berg Arist	12/31/2017
Nigel Chaney (Youth Member)	12/31/2016

Yea	4
Nay	0

ADOPTED

RESOLUTION: 76TH STREET, ABANDONMENT, 2015-19
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #18

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of 76th Street, north of Niagara Falls Boulevard, in order to facilitate the development of the real estate; and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon a portion of the aforementioned street portion and did direct the City Clerk to publish notice of such intention and that a public hearing would be held by the City Council at its meeting to be held in the Council Chambers on March 2, 2015 at 6:00 p.m. eastern standard time and advise that all persons interested would be heard on that said time and place; and

WHEREAS, the hearing was duly held on March 2, 2015 at 6:00 p.m. eastern standard time in regards to said abandonment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that a portion of 76th Street, north of Niagara Falls Boulevard, is hereby abandoned, the said abandoned street portion subject, however, to reservation of right of and for the City of Niagara Falls, the Niagara Falls Water Board and any utility companies, their successors and assigns to use, maintain, repair, replace and continue to maintain their services and operations in said abandoned street. The said street portion is bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the City of Niagara Falls, County of Niagara, State of New York, being part of Lot Number 9, Township 13, Range 9 of the Holland Land Company's Survey being further described as follows:

Commencing at the intersection of the westerly line of lands conveyed to Joseph Dakwar by Deed recorded in the Niagara County Clerk's Office in Liber 2117 of Deeds at Page 353 and the northerly bounds of Niagara Falls Blvd as now laid out;

Thence northerly along the westerly line of lands conveyed to Dakwar at a bearing of N 0° 05' 16" E, a distance of 348.75' to a point;

Thence easterly along the northerly lines of lands conveyed to Dakwar at a bearing S 89° 54' 44" E, a distance of 198.60' to a point;

Thence northerly along the westerly line of 76th Street at a bearing of N 0° 05' 16" E, a distance of 204.63' to a point said point being the true point of beginning;

Thence northerly along the westerly lines of 76th Street as currently laid out a bearing of N 0° 05' 16" E, a distance of 439.31' to a point;

Thence easterly along a line having a bearing of S 89° 54' 44" E, a distance of 60.00' to a point;

Thence southerly along the easterly line of 76th Street as currently laid out a bearing of S 0° 05' 16" W, a distance of 439.56' to a point;

Thence westerly along a line having a bearing of N 89° 54' 44" W, a distance of 60.00' to a point said point being the true point of beginning; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed in the Office of the Clerk of the County of Niagara and that the Mayor may sign deeds or other documents desirable to effectuate this abandonment.

Yea

3

Grandinetti, Walker, Chairman Touma

Nay

1

Choolokian

ADOPTED

Council Member Choolokian said since the Planning Board voted No on this Item, he was also voting No.

RESOLUTION: ICE PAVILION BONDS, RECONSTRUCTION/CONSTRUCTION
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #19

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

Section 1. For the purpose of paying the cost of the reconstruction and construction of improvements to the Ice Pavilion in and for the City of Niagara Falls, Niagara County, New York, including original furnishings, equipment, machinery and apparatus, as well as incidental costs, there are hereby authorized to be issued \$3,100,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$3,100,000, which is hereby authorized at said maximum estimated cost.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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

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

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

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) Such obligations are authorized in violation of the provisions of the Constitution.

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

Yea	3
Grandinetti, Walker, Chairman Touma	
Nays	1
Choolokian	

DEFEATED

RESOLUTION FAILED-NEEDS 4 YEA VOTES TO PASS

Council Member Choolokian said that Mr. Carella is doing a Good Job and this is a great Project but he still feels that Casino Funds should be used to pay for it.

Council Member Walker said that the point is with the amount of money already invested in this Project, the Project needs to be finished. Chairman Touma said that Casino funds will be used to pay back the Bond for this Project.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY CORPORATION COUNSEL

IN REM AUCTION, REJECT BID

Agenda Item #20

We have completed the review of the bid on Ward 12, Pro 8056. We recommend that the Council vote to reject the bid and that the bid deposit and auctioneer's fee be returned to the bidder.

Will the Council so approve?

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

Yea

4

Nays

0

APPROVED

RESOLUTION: TOURISM ADVISORY BOARD, REAPPOINTMENT/APPOINTMENT, 2015-20
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #21

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

REAPPOINTMENT TERM EXPIRES:

Perry Jost 12/31/2015
327 Buffalo Avenue
Niagara Falls, NY 14303

APPOINTMENT TERM EXPIRES:

Denise Easterling 12/31/2015
1306 Willow Avenue
Niagara Falls, NY 14305

Yea

4

Nays

0

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 16, 2015

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the March 16, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:02 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti 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 Choolokian moved to approve the Minutes from the City Council Meeting of March 2, 2015 and the Special Meeting of March 9, 2015.

Yea
Nays

5
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APPROVED

Community Development Director Seth Piccirillo spoke on the Plan for the disposition of City-owned properties. He said that all of the properties need renovations, the Program is not open to landlords, buyers must adhere to a timeframe for the renovations and live in the homes for five years, and Open Houses will be held for prospective buyers to look over the homes. He also said the Wells Fargo Bank has donated two bank-owned properties and a Grant of \$40,000 to the Program.

Superintendent of Police Bryan DalPorto said that he wanted to clarify that the recent shootings in the North End Area happened on City Streets, and not on Housing Authority properties.

Chairman Touma said that the City Administrator had said that she would provide garbage tonnage comparisons between last year and now on an ongoing basis, and Mayor Paul Dyster said that he will follow up on the request.

Chairman Touma also asked about the progress of the parking meters, and the Mayor responded that bids were opened on March 13 and were being reviewed, and that the Program will be up and running as soon as possible. Council Member Walker asked if there was a layout available for the meters, and the Mayor said that the City was looking into doing an outreach with the downtown businesses. He added that the City will have a Parking Division with one employee who will work with a private operator for the meters. Council Member Walker asked that the Council be given enough time to work through all the issues before being asked to vote on the matter.

Council Member Choolokian asked if the City had a plan for clearing all the garbage that was left as the snow melted, and Mayor Dyster responded that the Administration is working with Modern on the matter. The Council Member asked that the City have an alternate Plan in place to get the garbage off the streets.

Chairman Touma asked about the City plowing sidewalks on the main thoroughfares and fines for the business owners not keeping the sidewalks clear. He would like an Ordinance addressing this in place prior to the next winter season. He also asked if the NFTA is responsible for keeping the shelters at bus stops clear, alongwith the sidewalks around the shelters. The Mayor will look into this.

In speaking about the frozen water lines in the 72nd and 77th Street areas, Council Member Anderson suggested checking with the Canadian government since this issue does not seem to happen in Canada. Mayor Dyster responded that the Administration is talking to the Water Board about the issue, but the weather needs to be warmer before holes can be bored in the streets to check for problems. The Council Member asked who will represent the City in the matter, and the Mayor said that the firm of Clark Patterson Lee is dealing with the matter since they did not have anything to do with the work that was done on the street, and could provide an independent opinion. Council Member Choolokian added that a Plan needs to be put in place, possibly using Casino funds, to do whatever has to be done to fix the issue before next winter. He also asked that the Council be kept updated on the progress of testing that is done in the area.

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

1. A Resolution relative to honoring First Ladies of area churches.

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

Yea	5
Nay	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #18.

2. A Resolution relative to supporting the Niagara County Legislature Resolution for the distribution of Casino funds.

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

Yea	5
Nay	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #19.

Council Member Choolokian questioned the reason for additional funding for the SWEET Team (Agenda Item #3). Mayor Dyster replied that the funding was to hire two temporary employees for education and enforcement of the Refuse/Recycling Ordinance, who would report to the Program Coordinator for the SWEET Team. Council Member Walker asked about the job duties of another employee, and the Mayor responded that he is the Program Coordinator for the entire Department, including the SWEET Team. Acting Director of Parks and Public Works Robert Spacone added that the SWEET Team Coordinator goes out into the City to address issues with the Program. Council Member Walker questioned who will take over the duties after the six months that the temporary employees are there, and the Mayor said that he will look into that. Chairman Touma added that Modern had identified areas of the City where the Ordinance needs to be enforced. Council Member Choolokian also asked if the City will then be out of the garbage business and not hire any permanent employees for that, and the Mayor said that enforcement will still be an issue.

Chairman Touma informed the Council Members that he had spoken to Mr. Johnson about retaining the services of Mr. Restaino to complete the work on the City Charter (Agenda Item #17). So far, the Charters from 1916 and 1988 have been gone over, and there is still work to be done on Local Laws that have been adopted from 1988 to the present time.

Mayor Dyster said that the Administration supports Agenda Item #19, relative to including the City in the distribution of Casino funds received by Niagara County.

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 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:

Ken Hamilton	Agenda Item #15
Paul Montani	Frozen water line issues
Jibreel Riley	Get vacant properties back on tax rolls
Anthony Salciccioli	Frozen water line issues
Elisa Newman-David	Save YMCA membership services
Ken Hamilton	Find solution to frozen water pipes-insurance is available; designate YMCA building as Historical; former Council Member Sottile health issues
Robert Ventry	Pothole Killer issues; save YMCA membership services
Anthony Casilio	YMCA is great asset to the City and should be given financial support from the City
Don Burns	Consider City ownership of YMCA

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF FEBRUARY 2015

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF FEBRUARY 2015

Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

SWEET TEAM: BUDGET, FUNDING FOR BALANCE

Agenda Item #3

During the City Council meeting on January 5, 2015, Item No. 7, pertaining to Funding for positions that were removed during the Budget Process, was tabled. During the City Council meeting held on January 20, 2015, this item was removed from the table and the portion of this tabled item which created the position of SWEET Team Project Coordinator was separated out and approved. It is now requested that this item once again be removed from the table and the portion of this tabled item dealing with the 2015 SWEET Team budget, be separated out and that the item be amended to delete the bi-weekly portion of this item plus fringe benefits because it was previously approved. It is now requested that the balance of the budget for the SWEET Team in the amount of \$42,470 be approved. Funding is available from casino revenues. For this purpose, attached (on file in the City Clerk's Office) is an amended budget.

Will the Council so approve?

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

Yea	2
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Grandinetti, Chairman Touma	3
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Nay	
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Anderson, Choolokian, Walker	DEFEATED
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Chairman Touma said additional temporary workers are needed for education and enforcement of Refuse/Recycling Ordinance.

Agenda Item #4

The City Council approved the Fiscal Year 2015 Consolidated Annual Plan in November 2014. 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, based on estimate, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final Fiscal Year 2015 allocations were approved on February 10, 2015. Cumulatively, the city's final CDBG, HOME and ESG allocation is \$16,369 or 0.59 percent lower than the \$2,775,199 budget previously presented to the community and approved by the City Council. The individual programs are affected as follows:

Draft vs. Actual

Source	DRAFT 2015 ACTION PLAN	HUD 2015 FINAL ALLOCATION	\$ Change	% Change
CDBG	\$2,234,848	\$2,241,544	\$6,696	0.03%
HOME	\$359,489	\$317,911	(\$41,578)	-12%
ESG	\$180,862	\$199,375	\$18,513	10%
TOTAL	\$2,775,199	\$2,758,830	(\$16,369)	0.59%

Year over Year

Source	HUD 2014 FINAL ALLOCATION	HUD 2015 FINAL ALLOCATION	\$ Change	% Change
CDBG	\$2,236,738	\$2,241,544	\$4,806	0.21%
HOME	\$359,489	\$317,911	(\$41,578)	-11.57
ESG	\$181,121	\$199,375	\$18,254	10%
TOTAL	\$2,777,348	\$2,758,830	(\$18,518)	-0.67

The Community Development Department proposes the following revisions to the 2015 Community Development Action Plan, to bring the budget estimate in line with the final allocations.

CDBG

City of Niagara Falls - CDBG Admin.	
Draft Budget	\$437,348
Proposed Budget	\$440,348
Change	\$3,000

City of Niagara Falls - construction of a new municipal playground at Hyde Park (replacement)	
Draft Budget	\$123,000
Proposed Budget	\$126,696
Change	\$3,696

Center City Neighborhood Development Corp.	
Draft Budget	\$119,830
Proposed Budget	\$105,970
Change	(\$13,860)
Center City HOME Breakdown	
Rehab Allocation	\$74,178.90
CHDO Reserve Allocation	\$23,843.32
CHDO Operating Cost Allocation	\$7,947.78
<i>Total</i>	<i>\$105,970</i>

Neighborhood Housing Services	
Draft Budget	\$119,830
Proposed Budget	\$105,971
Change	(\$13,859)
NHS HOME Breakdown	
Rehab Allocation	\$74,179.90
CHDO Reserve Allocation	\$23,843.33
CHDO Operating Cost Allocation	\$7,947.77
<i>Total</i>	<i>\$105,971</i>

City of Niagara Falls Community Development	
Draft Budget	\$119,829
Proposed Budget	\$105,970
Change	(\$13,860)
City of Niagara Falls HOME Breakdown	
Rehab. Allocation	\$74,178.90
Administration	\$31,791.10
<i>Total</i>	<i>\$105,970</i>

ESG

**YWCA Carolyn's House and
Community Missions of the
Niagara Frontier, Inc. Rapid
Re-Housing Program and Homeless
Prevention**

Draft Budget	\$58,862
Proposed Budget	\$64,797
Change	\$5,935

**YWCA Carolyn's House-Emergency
Shelter and Street Outreach**

Draft Budget	\$35,000
Proposed Budget	\$39,813
Change	\$4,813

**Community Missions of Niagara
Frontier, Inc.--Emergency
Shelter and Street Outreach**

Draft Budget	\$40,000
Proposed Budget	\$44,812
Change	\$4,812

**City of Niagara Falls - ESG
Admin. (7.5% of total)**

Draft Budget	\$12,000
Proposed Budget	\$14,953
Change	\$2,953

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

Yea
Nays

5
0

APPROVED

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

Agenda Item #5

At its meeting of June 24, 2014, the City Council awarded K.J. Smith Enterprises Bid #2014-08 (on file in the City Clerk's Office) for the furnishing of proper equipment and experienced manpower to clear, cut, and/or mow all vegetation (weeds, brush, etc.) on privately and City-owned lots at a price of \$ 10.50 per man hour and \$ 25.00 per acre (see attached copy of Council letter.) If mutually agreeable, these services may be extended for a second and final year under the same terms, conditions, and specifications. K.J. Smith Enterprises has agreed to this extension.

We recommend the Council approve this extension for a second and final year.

Funds for this expenditure are included in the 2015 Public Works Department budget under Community Beautification, Grass Cutting/Clean Up, code A.8510.0000.0449.080.

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

Council Member Grandinetti and Chairman Touma said they are voting in favor of this as long as the price does not exceed \$70,000.00.

CONTRACT: POTHOLE KILLERS, PATCH MANAGEMENT INC.

Agenda Item #6

The Acting Director of the Department of Public Works is recommending that Patch Management, Inc. be engaged once again this year to provide pothole killer trucks, operators, materials and support to the City for 320 patching hours to assist the City in the fight against potholes. This service will commence when weather permits and continue through April 30, 2015. The cost of this service is \$70,000. Attached hereto (on file in the City Clerk's Office) is a proposed agreement prepared by Pothole Killers.

Funding is available from casino revenues.

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

PUBLIC WORKS: ZOOM TEAM 2015 BUDGET

Agenda Item #7

The Acting Director of the Department of Public Works is requesting that the sum of \$163,800 be made available to fund the ZOOM Team for calendar year 2015. Attached (on file in the City Clerk's Office) is the budget projection.

Funding is available from casino revenues.

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

PUBLIC WORKS: ZIPPER MATERIAL, FUNDING

Agenda Item #8

The Acting Director of the Department of Public Works is requesting that the sum of \$110,000 be made available for zipper material.

Funding is available from casino revenues.

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

POLICE: DESK OFFICER ONLINE REPORTING SYSTEM, FUNDING

Agenda Item #9

The Superintendent of Police is requesting that the City acquire software to gather information on crimes for review by appropriate administrators. This application will also be made available to the business community so that self-reporting of crimes may occur, thereby conserving manpower. The intention of this is to assist NFPD in the analysis of trends and the deployment of manpower. This software is provided by Coplogic, Inc. and is obtained as a sole source item.

The one-time setup implementation fee is \$11,000, plus license and maintenance fees for the first year of \$5,000.

Funding is available from Account Code H0911.2009.0911.0250.007.

Annual maintenance fees of \$5,000 in future years will be paid out of the Police Department operating budget.

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

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

Yea

5

Nays

0

APPROVED

CORPORATION COUNSEL: REORGANIZATION/CLASS UPGRADE

Agenda Item #10

The City's Corporation Counsel Department, has in its structure an Account Clerk, Grade 7 position at an annual salary of \$33,169 that is currently vacant. It is requested that the Account Clerk, Grade 7 position be eliminated and replaced with a Legal Secretary, Grade 12 at an annual salary of \$29,151. This will ensure that the department recruits at a level of experience necessary to perform the essential functions of the position and provide continuity within the department.

This reorganization and class upgrade may be accomplished at this time and achieve a savings of \$4,018 in base salary amount.

Will the Council so approve the elimination of an Account Clerk, Grade 7 position and the creation of a Legal Secretary, Grade 12 position, effective immediately?

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

Yea

5

Nays

0

APPROVED

Agenda Item #11

The Department of Parks and Public Works, has in its structure an Administrative Assistant - Public Property position, Grade 17, at an annual salary of \$42,382. This position was downgraded from a Grade 19 as a part of the City's Retirement Incentive. However, posting at the budgeted grade did not provide sufficient promotional opportunity to yield any applicants. A class upgrade to Grade 18 was requested and approved by the City Administration based upon recruitment difficulty. This one level class upgrade complies with objectives of the Retirement Incentive as it is still a downgrade from the previous Grade 19 position.

The position has been temporarily filled pending Council approval of the replacement of Administrative Assistant - Public Property, Grade 18 at an annual salary of \$43,716; an increase of \$1,334. Funds are available in the department's biweekly line because the position has been vacant for approximately 8 weeks and will not impact the total personnel appropriation.

Will the Council so approve the class upgrade of the Administrative Assistant-Public Property position to Grade 18, effective on the date of appointment?

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

Yea	1
Grandinetti	
Nay	4
Anderson, Choolokian, Walker, Chairman Touma	
	DEFEATED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: DAVIS, IV, JAMES

Agenda Item #12

Date Claim Filed:	December 15, 2014
Date Action Commenced:	N/A
Date of Occurrence:	December 12, 2014
Location:	1704 16 th Street, Niagara Falls, New York
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Scott R. Bruno
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,282.50
Make Check Payable to:	James Davis IV
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yea	5
Nay	0
	APPROVED

Agenda Item #13

Date Claim Filed:	June 15, 2012
Date Action Commenced:	April 3, 2013
Date of Occurrence:	May 31, 2012
Location:	I-190 Exit Ramp (northbound), Town of Niagara
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Gerald Strassburg
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$7,020.37
Make Check Payable to:	GEICO
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

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

Yea

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Nay

0

APPROVED

RESOLUTION: WILLIAMS, BISHOP BRIAN KEITH, HONORING, 2015-22

BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, Pastor Stanley L. Johnson Sr. and the New Testament Revival Cathedral at 1002 Niagara Avenue in Niagara Falls, New York will host Bishop Brian Keith Williams from March 26th to the 28th, 2015, and

WHEREAS, Bishop Williams has traveled over 3 million miles around the globe throughout his 38 years as a preacher, and

WHEREAS, Bishop Williams is an accomplished church leader, overseeing All Nations Church in Columbus Ohio, founding the BKW Impartation Institute, raising up 6 Bible Schools, ordaining 500 ministers, and sending out 43 pastors and 6 bishops, and serving as the presiding prelate of the Apostolic Network of Churches International, now

THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby welcomes Bishop Williams to the City of Niagara Falls, and wishes him all the best both during his stay in our city and beyond.

Yea

5

Nay

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ADOPTED

RESOLUTION: FINANCIAL ADVISORY PANEL, APPOINTMENT, 2015-23
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #15

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Financial Advisory Panel effective immediately, filling a vacancy created by the resignation of Doreen O'Connor, for a term expiring on the date that appears opposite his name:

APPOINTMENTS

Michael J. Tyrpak
824 Maple Avenue
Niagara Falls, NY 14305

12/31/2015

Yea
Nays

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0

ADOPTED

RESOLUTION: SCHOOL BOARD ELECTION, POLLING PLACES, 2015-24
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, the annual Niagara Falls City School District election will be held on Tuesday, May 19, 2014, and

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

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

Yea
Nays

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ADOPTED

RESOLUTION: CITY CHARTER, SPECIAL COUNSEL, 2015-25
BY: COUNCIL MEMBERS, ANDERSON, CHOOLOKIAN, WALKER, CHAIRMAN TOUMA

Agenda Item #17

WHEREAS, the City Council of the City of Niagara Falls retained special counsel to work with the City Corporation Counsel to reform the City Charter in 2014 and made considerable progress to this end, and

WHEREAS, the City Council of the City of Niagara Falls deems it advisable to retain independent counsel for a period of six months to continue to work with the City Corporation Counsel to assist in the City Council's efforts to reform the Niagara Falls City Charter,

NOW, THEREFORE BE IT RESOLVED, that Mr. Robert M. Restaino be and hereby is appointed Special Counsel to the City Council of the City of Niagara Falls at a monthly retainer of \$1000.00, for a period of six months, to conclude on September 30, 2015, and

BE IT FURTHER RESOLVED, that Mr. Restaino will serve at the pleasure of the City Council without any benefits, with the funds for the current year being available in the 2015 Budget under the Consultants line of the City Council's budget, A1010.1010.0451.000.

Yea
Nays

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ADOPTED

Chairman Touma said Mr. Restaino is working with Corporation Counsel, Craig Johnson, to codify the Two (2) Charters into one working document.

RESOLUTION: FIRST LADIES, HONORING, 2015-26
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, St. John AME Church of 917 Garden Avenue, Niagara Falls New York will be honoring First Ladies from the Western New York area at a luncheon on March 14th, 2015 at the Days Inn, 443 Main Street Niagara Falls New York, and

WHEREAS, these women exemplify the words of Maya Angelou in her classic poem, "Phenomenal Woman," in both "the sun of their smile" and "the grace of their style," and

WHEREAS, Webster's dictionary defines "phenomenal" as: "relating to or being a phenomenon, as: extraordinary, remarkable," and

WHEREAS, on Saturday March 14, 2015 these seven phenomenal women of God, Mischell Jones, Grace Calvary Church in Niagara Falls, Bertha Brinson, Covenant of Grace International Ministries of Niagara Falls, Tristan Greer, St. John African Methodist Episcopal Church Niagara Falls, Monique Pridgen, True Bethel Baptist Church Buffalo New York, Elvenia Robinson, Morning Star Church of God in Christ Niagara Falls New York and Kathy Bowman, Antioch Holiness Church of Buffalo New York, will be recognized for their vision and leadership, and

WHEREAS, we recognize these women as women of courage who use their influence to glorify God, we recognize them as role models of faith and action, we see confidence, courage and competency to influence a community and lead individuals to victory, now

THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby joins the St. Johns AME church and the Niagara Falls Community in recognizing and honoring these 6 women of faith and does hereby proclaim that in these women we have outstanding citizens and great leaders, and

BE IT FURTHER RESOLVED, that we thank you for your service, not only to your church family, but also to your surrounding communities.

Yea

5

Nays

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ADOPTED

RESOLUTION: NIAGARA COUNTY, CASINO FUNDS DISTRIBUTION, 2015-27
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #19

WHEREAS, the City of Niagara Falls plays host to the Seneca Niagara Casino, and

WHEREAS, State Senator Robert Ortt and State Assemblyman John Ceretto have both attested to the fact that state law does not prohibit the distribution of casino funding to the City of Niagara Falls or to organizations within the City of Niagara Falls, and

WHEREAS, the economic health of the City of Niagara Falls, the largest city in the County of Niagara, is of great importance to the overall economic health of the County of Niagara, now

THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby lends its support to Niagara County Resolution #IL-045-15, "Resolution Amending Resolution B-03-14", and

BE IT FURTHER RESOLVED, that copies of this resolution shall be provided to Legislator Clyde Burmaster, Legislator William Ross, Legislator Mark Grozio, Legislator Owen Steed, Legislator Jason Zona, Legislator Dennis Virtuoso, Legislator Kathryn Lance, Legislator Richard Andres, Legislator Randy Bradt, Legislator David Godfrey, Legislator Anthony Nemi, Legislator Richard Updegrove, Legislator Wm. Keith McNall, Legislator John Syracuse, and Legislator Michael Hill, prior to the March 17, 2015 meeting of the Niagara County Legislature.

Yea

5

Nays

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ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:47 P.M.

Carol A. Antonucci

City Clerk

76



MARCH 30, 2015
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The first session of the March 30, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:02 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti 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 City Council Meeting of March 16, 2015.

Yea

Nay

5

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APPROVED

Gay Molnar from the Aquarium of Niagara and Mike Mistriner from Cannon Design spoke on the Aquarium's Penguin Capital Project, and asked for financial support for the Project from the City (Agenda Item #9). The Plan is for a groundbreaking for the Project in October of this year, with completion of the Project scheduled for June of 2016. They noted that the Aquarium has been a year round family oriented tourist attraction for 50 years that is not weather dependent and is open 363 days of the year. Mayor Paul Dyster added that the Administration supports this Project, and the Aquarium increases the number of hotel stays for tourists.

In the Administrative Update, Mayor Dyster:

1. Reported on the progress of the Robert Moses Parkway Project. He said that the detour will be eliminated by the tourist season and extensive landscaping will be done during the 2016 construction season.
2. Thanked those involved in the Memorial Service that honored Dr. LaRocca.
3. Thanked the staff of the Duke Center for their work on the Children's East Egg Hunt.

Council Member Anderson asked about status of the frozen water lines on 72nd and 77th Streets. The Mayor said that the Water Board is dealing with a large backlog of water main breaks, there are less than 60 homes in the City that are without water, the City is working with the Firm of Clark Patterson Lee on an ongoing basis to assess the problem, and the "as built" drawings of the streets are being digitized in an effort to assess the problem. A lengthy discussion followed, including insurance that may become available for residents to purchase to help with repairs to water lines.

Council Member Choolokian said that he had received calls that not all full totes of garbage were being picked up, and City Administrator Donna Owens said that she would check into the matter. The Council Member also asked about the Plan to pick up all the garbage that is around the City as the snow melts. City Administrator Owens responded that Modern and City workers will both be picking up garbage, there is a City truck that is working on picking up garbage in the alleys, and she commended the workers from the Department of Public Works. She added that the City's Spring Clean Up will start April 6 and continue through May 8, and Modern has been picking up bags of trash that are on top of the totes, but not on the ground alongside the totes. Council Member Choolokian asked about the Plan for education and enforcement on the Refuse/Recycling Ordinance after the six month period for the hiring of temporary workers for this ends (Agenda Item #10), and Mayor Dyster responded that, after that time, DPW would be able to do this. Council Member Anderson added that there are many Senior Citizens in the City who are unable to move the totes themselves.

Chairman Touma thanked City Controller Maria Brown for providing Budget Performance Reports to the Council, and noted that there are concerns about overspending in some Budget lines. Mrs. Brown added that she can only give warnings as Budget lines are overspent, and it is the Council that has to approve additional spending over the amount budgeted.

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

1. A Resolution relative to an appointment to the Niagara Falls Financial Advisory Panel.

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

Yea	5
Nay	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED
The Resolution was added to the Agenda as #13.

2. A communication relative to acceptance of donations of real property.

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

Yea	5
Nay	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
The communication was added to the Agenda as #14.

3. A communication relative to the sale of 2440 Cleveland Avenue.

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

Yea	5
Nay	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
The communication was added to the Agenda as #15.

This Session ended at 6:55 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 Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Lisa Vitello	Agenda Item #9
Ken Hamilton	Agenda Items #3, #4, #6, #11, #12
Henry Krawczyk	Agenda Items #7, #12
Sylvia Francis	Frozen water pipes on Independence Ave.
Su Corrinha D'Costa	Various issues
Ken Hamilton	City's representatives on Water Board should help with frozen water pipe issues; NFHA has larger size garbage totes; save YMCA's services
Joseph Heasley	Save YMCA's services
Henry Krawczyk	Buffalo Ave. issues; DPW funding; Aquarium Project

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT (VARIOUS LOCATIONS), YARUSSI CONSTRUCTION

Agenda Item #1

A contract for the above referenced project was awarded to Yarussi Construction, Inc. on April 16, 2014 in the amount of \$341,412.00.

After the start of the City's Resurfacing Program, funding became available to add to the number of streets actually addressed through the project. The addition of streets to the Resurfacing Program, by necessity, also adds drainage structures to be repaired/replaced as well.

Costs associated with the addition or substitution of streets for this project came to \$58,595.00, bringing the contract total to \$400,007.00. Funding is available in Code H0621.2006.0621.0449.599.

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

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

Yea
Nays

5
0

APPROVED

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

Agenda Item #2

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

TO: Modern Landfill, Inc.
4746 Model City Road
Model City, NY 14107

FOR: Sale of approximately 37,785 tons of street millings generated during the 2015 paving season: \$.85/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 Armand Cerrone at \$.79/ton, and from LaFarge North America at \$.00/ton, but offering the City the option of a free dumpsite at their Niagara quarry.

Will the Council so approve?

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

Yea
Nays

5
0

APPROVED

CONTRACT: MEALS FOR PRISONERS, MCDONALD'S

Agenda Item #3

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

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to nine (9) vendors. Two (2) bids were received. Frankie's Donuts submitted a bid of \$ 1.00 for breakfast, \$ 1.75 for lunch, and \$ 1.75 for supper. The above referenced company submitted the lowest bid. This award will be in effect from April 14, 2015 through April 13, 2016.

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

Will the Council so approve?

Council Member Anderson moved To Table the communication.

Yea	5
Nays	0

TABLED

Council Member Grandinetti said the City should support local businesses.

GOOD NEWS GOSPEL FESTIVAL/HEALTH FAIR, FUNDING

Agenda Item #4

The City has been requested by Niagara Falls Memorial Medical Center to once again be a sponsor of the Hospital's annual Good News Gospel Festival/Health Fair. The City has been asked to contribute the sum of \$2,500 toward the expenses of the event, which will be held on Saturday, July 18, 2015. Attached is a letter of request (on file in the City Clerk's Office).

Funding is available from Tourism Fund balance.

Will the Council so approve?

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

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

APPROVED

COMMUNITY DEVELOPMENT: ASSISTANT HOUSING PROGRAM COORDINATOR, CREATION

Agenda Item #5

The Niagara Falls Community Development Department proposes the creation of a new position, Assistant Housing Program Coordinator, in its Leased Housing Unit. The position will start at a Grade 19.

There is funding available through the Leased Housing budget, established by the United States Department of Housing and Urban Development. The creation of this position does not increase the size of the Leased Housing Unit or its budget, but rather redistributes staff resources. The Niagara Falls Municipal Civil Service Commission approved the creation of this position on March 19, 2015.

The Leased Housing Unit is going through a staff transition, with recent departures and retirements. This position is will bring specific industry experience into the department, as well as the ability to train other staff members. We anticipate hiring someone with current experience in the supervision of HUD and New York State funded housing programs, property management, and specifically oversight of project based vouchering.

Will the Council vote to approve the creation of the Assistant Housing Program Coordinator 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.

Yea

5

Nay

0

APPROVED

NEW JERUSALEM BOY'S REPORTING CENTER, GRANT EXTENSION

Agenda Item #6

On December 23, 2013, the City Council approved a grant of \$40,000.00 of State Finance Law §99-h funds (casino revenues) for the operation costs in 2014 of the New Jerusalem Boy's Reporting Center. The funds were to be expended for 2014 operating expenses, and requests for the draw of funds were required to be submitted by January 31, 2015. These are the normal grant provisions which the City uses when providing grants for annual operation expenses for all not for profit grants.

New Jerusalem experienced some difficulties last year, most significantly flowing from the untimely death of its director, James Seright. Consequently, the City grant was not drawn down.

The program is conducted under the auspices of The Independent Church of God in Christ. The Buffalo Federation of Neighborhood Centers, Inc. is providing invaluable management and other assistance to the program.

The Independent Church of God in Christ has requested that the grant be extended through 2015. To date, approximately \$17,000.00 of grant funds have been requested for 2014 expenses. If extended, the grant will be applied to 2014 and 2015 operating expenses. All other grant requirements will remain in place, with the grant required to be expended by January 1, 2016. The program appears to be running well, and the extension warranted to continue to support this program.

\$40,000.00 of CDBG grant funding for this organization is also being provided under the 2014 CDBG budget. The grant runs through June 30, 2015. There is no need to extend that grant.

Will the Council vote to approve the New Jerusalem Boys Reporting Center grant to include 2015 operating expenses 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.

Yea

5

Nay

0

APPROVED

Chairman Touma said that this is not new funding but a continued use of a 2014 Grant.

CONTRACT: BUFFALO AVENUE RECONSTRUCTION PROJECT, CATCO

Agenda Item #7

A contract for the above referenced project was awarded to CATCO on May 29, 2012 in the amount of \$9,979,999.00.

As we conclude both the work and the warranty items for this project, the opportunities to encounter additional problematic soil issues have already come to pass. It is now possible to effectively deal with all the outstanding soil excavation and disposal issues. The cost of the disposition of the remaining soil handling totals \$287,262.00. However, existing underruns in paving, striping and excavating quantities allows the soil handling costs to be addressed without additional funding, leaving the final contract total to equal the \$9,979,999.00 award amount.

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

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

Yea

Nays

5

0

APPROVED

CONTRACT: BUFFALO AVENUE INDUSTRIAL CORRIDOR-BROWNFIELD OPPORTUNITY AREA PROGRAM, LABELLA ASSOCIATES DPC

Agenda Item #8

The City has been awarded a second New York State Department of State Brownfield Opportunity Area (BOA) Program Grant for the Buffalo Avenue Industrial Corridor Project "Step-2." The grant award for the BOA Project is in the amount of \$403,632.00. The total amount of the proposed consultant contract to LaBella Associates DPC is \$390,000.00, which will be paid for from the grant. Including the City's matching share, which is 10% of any expenditures, Step-2 total project expenditures cannot exceed \$448,480.00. The City's Planning Environmental & Economic Development staff is providing the City's the full match amount of up to \$48,480.00 through "in-kind services" to the project. As such, there is no cash contribution or other cash disbursement required in accepting this award or in completing the Project.

In addition to helping mitigate the stigma of blight within the Corridor, the Buffalo Ave BOA planning process will stimulate new investment in transportation infrastructure, environmental cleanup, and improved access to the waterfront, as well as, new investment in 'strategic sites.' Sites that can serve as catalysts in driving new forms of economic development in the Corridor.

Six proposals for professional services were received for the Buffalo Avenue Industrial Corridor BOA Project. All firms submitting in response to the City's request-for-qualifications/proposals (RFQ/RFP) were evaluated as specified therein. In addition to this initial analysis, City staff, NYS-DOS and NYS-DEC also interviewed the three highest-quality consultant responses in making this recommendation.

LaBella Associates' proposal was determined to be the most comprehensive proposal with the best approach to achieving the goals of the project, and offering the best value overall. Additionally, LaBella Associates has performed similar work for the City of Niagara Falls under Buffalo Ave Industrial Corridor BOA "Step-1" Project, which gives them specific familiarity with the needs of the City in this regard and with the State's BOA reporting requirements. Therefore, the Department of Planning Environmental & Economic Development recommends engaging LaBella Associates, DPC for the Buffalo Avenue Industrial Corridor BOA Step-2 Project.

Will the Council vote to accept the NYS-DOS grant, approve the contract award to LaBella Associates, DPC, and authorize the Mayor to execute any documents necessary, in form and in content satisfactory to the Corporation Counsel, to effectuate the same?

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

Yea	5
Nays	0

APPROVED

Council Member Grandinetti said that a Grant this size is unprecedented, will redevelop an Industrial area & provide Green Jobs.

AQUARIUM OF NIAGARA, GRANT

Agenda Item #9

The Niagara Aquarium Foundation a/k/a Aquarium of Niagara is undertaking an ambitious project, a new habitat exhibit space for the Aquarium's colony of Humboldt Penguins, the Aquarium's premier species. The cost of this project will be nearly \$3.3 Million. The City has been requested to provide a grant of up to \$150,000.00, to be used to pay for some of the hard construction costs. The largest component of the project expenses will be paid with a NYPA Proceeds Challenge Grant.

This is an exciting project which will provide construction jobs. Once completed, the exhibit will greatly enhance the attractiveness of the Aquarium as a tourist attraction,

If approved, the grant funds will be drawn down under normal City grant procedures. The Aquarium will submit proof of availability of all project funds. Grant funds will be advanced only for work completed. The final grant disbursement will be made at project completion.

Funds are available from the State Finance Law §99-h funds (casino revenues) on hand.

Will the Council vote to approve the grant to the Aquarium of Niagara as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yea	5
Nays	0

APPROVED

Council Chairman Touma said the Aquarium is a year round Tourist destination.

SWEET TEAM: BUDGET, FUNDING FOR BALANCE

Agenda Item #10

It is requested that the balance of the budget for the SWEET Team in the amount of \$42,470 be approved. The two temporary employees hired as part of this budget will be utilized to educate the public about the Refuse and Recycling Program and also for enforcement of Chapter 911 titled "Solid Waste Refuse and Recycling". Funding is available from casino revenues. For this purpose, attached is an amended budget (on file in the City Clerk's Office).

Will the Council so approve?

Council Member Walker moved to amend the communication to provide funding in the amount of \$21,235.00 for three (3) months.

Yea	5
Nays	0

AMENDMENT APPROVED

Council Member Walker moved to approve the communication as amended.

Yea	5
Nays	0

APPROVED

Council Member Choolokian said problems with the Ordinance need to be worked out.

RESOLUTION: PARKING FEES WAIVED FOR GRADUATION/GRADUATION REHEARSAL,
2015-28
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #11

WHEREAS, Niagara Falls High School will hold its 2015 graduation ceremony on June 27, 2015 from 12:00 - 2:00 p.m., and its rehearsal ceremony on Thursday, June 25, 2015 from 8:30 - 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 June 27, 2015 from 12:00 - 2:00 p.m., and Thursday, June 25, 2015 from 8:30 - 12:00 p.m., respectively.

Yea	3
Anderson, Choolokian, Walker	
Nay	0
Abstain	2
Grandinetti, Chairman Touma	

ADOPTED

RESOLUTION: HOME RULE REQUEST, DOWNTOWN SPEED LIMIT, 2015-29
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #12

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, (on file in the City Clerk's Office) 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.

Yea	5
Nay	0

ADOPTED

RESOLUTION: FINANCIAL ADVISORY PANEL, APPOINTMENT, 2015-30
BY: ALL COUNCIL MEMBERS

Agenda Item #13

BE IT RESOLVED, THAT THE FOLLOWING INDIVIDUAL IS HEREBY APPOINTED TO THE City of Niagara Falls Financial Advisory Panel effective immediately, for a term expiring on the date that appears opposite her name:

APPOINTMENT

Janet Baker Scott
104 101st Street
Niagara Falls, NY 14304

12/31/15

Yea	5
Nay	0
ADOPTED	

COMMUNITY DEVELOPMENT: 631 CHILTON AVE. AND 515 25TH ST., DONATION

Agenda Item #14

The Director of Community Development advises that Wells Fargo Bank is offering to donate to the City the premises commonly known as 631 Chilton Avenue and 515 25th Street. The Director also advises that Wells Fargo Bank is offering the City a \$40,000 grant to assist in the renovation of these properties. The municipal purpose to accept these donations is to convert vacant properties into viable properties to encourage homeownership and encourage market rate investment. The acceptance of these donations would also be to prevent them from becoming "zombie" properties, which could remain vacant and blighted for many years to come.

The Planning Board has recommended that the City accept these offers of donation. Attached (on file in the City Clerk's Office) hereto is a copy of the Planning Board recommendation, together with a letter from the Director of Community Development dated February 18, 2015 explaining his intention.

Will the Council so approve and authorize the Mayor to sign any documents to effectuate the donations that are in form and content acceptable to the Corporation Counsel?

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

Yea	5
Nay	0
APPROVED	

2440 CLEVELAND AVENUE, SALE

Agenda Item #15

The City acquired 2440 Cleveland Avenue (the "Premises") as a result of the In Rem auction process. The Director of the Department of Community Development advises that Angela Henderson was the tenant in this property for approximately ten years. The owner defaulted on the taxes and as a result, the City acquired the Premises in the In Rem Tax Proceeding. Ms. Henderson has offered to purchase the Premises for \$500 and will agree to abide by the following conditions:

1. Reside at the Premises as the primary occupant for eight (8) years.
2. Rehabilitate the Premises up to code within one year of signing a sale agreement with the City.
3. Submit a detailed repair/rehabilitation plan within 60 days of signing a sale agreement with the City.
4. The Premises reverts to the City if conditions agreed to are not complied with.

This is consistent with a resolution adopted by the City Council on February 19, 2014, regarding the sale of 452 Memorial Parkway. The purpose of this action is to restore a City-owned property to the tax rolls, prevent a possible City-funded demolition, rehabilitate a structure and increase homeownership.

Attached (on file in the City Clerk's Office) hereto is an offer to purchase.

The Director further advises that in the event there are other individuals with circumstances similar to Ms. Henderson, a similar opportunity may be made available to them.

The Planning Board has reviewed this matter and has recommended that the City Council approve the sale. Attached hereto is a copy of the Planning Board recommendation.

Will the Council so approve and authorize the Mayor to execute a sale agreement and any other ancillary documents required to accomplish this sale which are in form and content acceptable to the Corporation Counsel?

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

Yea
Nays

5
0

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:55 P.M.

Carol A. Antonucci
City Clerk

RESOLUTION: FIRST LADIES, HONORING, 2015-26
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, St. John AME Church of 917 Garden Avenue, Niagara Falls New York will be honoring First Ladies from the Western New York area at a luncheon on March 14th, 2015 at the Days Inn, 443 Main Street Niagara Falls New York, and

WHEREAS, these women exemplify the words of Maya Angelou in her classic poem, "Phenomenal Woman," in both "the sun of their smile" and "the grace of their style," and

WHEREAS, Webster's dictionary defines "phenomenal" as: "relating to or being a phenomenon, as: extraordinary, remarkable," and

WHEREAS, on Saturday March 14, 2015 these seven phenomenal women of God, Mischell Jones, Grace Calvary Church in Niagara Falls, Bertha Brinson, Covenant of Grace International Ministries of Niagara Falls, Tristan Greer, St. John African Methodist Episcopal Church Niagara Falls, Monique Pridgen, True Bethel Baptist Church Buffalo New York, Elvenia Robinson, Morning Star Church of God in Christ Niagara Falls New York and Kathy Bowman, Antioch Holiness Church of Buffalo New York, will be recognized for their vision and leadership, and

WHEREAS, we recognize these women as women of courage who use their influence to glorify God, we recognize them as role models of faith and action, we see confidence, courage and competency to influence a community and lead individuals to victory, now

THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby joins the St. Johns AME church and the Niagara Falls Community in recognizing and honoring these 6 women of faith and does hereby proclaim that in these women we have outstanding citizens and great leaders, and

BE IT FURTHER RESOLVED, that we thank you for your service, not only to your church family, but also to your surrounding communities.

Yea

5

Nays

0

ADOPTED

RESOLUTION: NIAGARA COUNTY, CASINO FUNDS DISTRIBUTION, 2015-27
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #19

WHEREAS, the City of Niagara Falls plays host to the Seneca Niagara Casino, and

WHEREAS, State Senator Robert Ortt and State Assemblyman John Ceretto have both attested to the fact that state law does not prohibit the distribution of casino funding to the City of Niagara Falls or to organizations within the City of Niagara Falls, and

WHEREAS, the economic health of the City of Niagara Falls, the largest city in the County of Niagara, is of great importance to the overall economic health of the County of Niagara, now

THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby lends its support to Niagara County Resolution #IL-045-15, "Resolution Amending Resolution B-03-14", and

BE IT FURTHER RESOLVED, that copies of this resolution shall be provided to Legislator Clyde Burmaster, Legislator William Ross, Legislator Mark Grozio, Legislator Owen Steed, Legislator Jason Zona, Legislator Dennis Virtuoso, Legislator Kathryn Lance, Legislator Richard Andres, Legislator Randy Bradt, Legislator David Godfrey, Legislator Anthony Nemi, Legislator Richard Updegrove, Legislator Wm. Keith McNall, Legislator John Syracuse, and Legislator Michael Hill, prior to the March 17, 2015 meeting of the Niagara County Legislature.

Yea

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:47 P.M.

Carol A. Antonucci

City Clerk

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