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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.

Yeas	5
Nays	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.

Yeas	5
Nays	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.

Yeas	5
Nays	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.

Yeas	5
Nays	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.

Yeas

5

Nays

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.

Yeas

5

Nays

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.

Yeas

5

Nays

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.

Yeas

5

Nays

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.

Yeas

5

Nays

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.

Yeas

4

Anderson, Choolokian, Walker, Touma

Nays

1

Grandinetti

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.

Yeas

4

Anderson, Choolokian, Walker, Chairman Touma

Nays

1

Grandinetti

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.

Yeas 4

Anderson, Grandinetti, Walker, Chairman Touma

Nays 1

Choolokian

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).

Yeas 5

Nays 0

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.

Yeas

5

Nays

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

Yeas

5

Nays

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).

Yeas

5

Nays

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.

Yeas

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.

Yeas

5

Nays

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

Yeas

5

Nays

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

Yeas	5
Nays	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

Yeas	5
Nays	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.

Yeas	5
Nays	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

Yeas	5
Nays	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.

Yeas	4
Anderson, Grandinetti, Walker, Chairman Touma	
Nays	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 Gialloredo	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 Gialloredo	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.

Yeas

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.

Yeas

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.

Yeas

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.

Yeas

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.

Yeas

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.

Yeas

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.

Yeas

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.

Yeas

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.

Yeas

5

Nays

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.

Yeas

5

Nays

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.

Yeas

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.

Yeas

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.

Yeas

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.

Yeas

5

Nays

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.

Yeas

5

Nays

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.

Yeas

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.

Yeas

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 Droegmyer 300 3 rd Street Niagara Falls, NY 14303	12/31/2015

APPOINTMENT	TERM EXPIRES:
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Angela Berti Prospect Street & Old Falls Street Niagara Falls, NY 14303	12/31/2015
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Jason Murgia 101 Old Falls Street Niagara Falls, NY 14303	12/31/2015
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Patrick Proctor 454 Main Street Niagara Falls, NY 14301	12/31/2015
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Denise Easterling 1306 Willow Ave. Niagara Falls, NY 14305	12/31/2015
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Yeas	5
Nays	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	
Yeas	3
Anderson, Grandinetti, Walker	
Nays	2
Choolokian, Chairman Touma	

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.

Yeas 4

Anderson, Choolokian, Walker, Chairman Touma

Nays 1

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.

Yeas

5

Nays

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 "Administrative 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.

• • •

Yeas

5

Nays

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.

Yeas

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.

Yeas

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.

Yeas	4
Nays	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.

Yeas	4
Nays	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.

Yeas

4

Nays

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.

Yeas

3

Grandinetti, Walker, Chairman Touma

Nays

1

Choolokian

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.

Yeas

1

Grandinetti

Nays

3

Choolokian, Walker, Chairman Touma

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.

Yeas

4

Nays

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.

Yeas

3

Choolokian, Grandinetti, Walker

Nays

1

Chairman Touma

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.

Yeas 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.

Yeas 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.

Yeas	3
Grandinetti, Walker, Chairman Touma	
Nays	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

Yeas	4
Nays	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].

Yeas	2
Grandinetti, Chairman Touma	
Nays	2
Choolokian, Walker	

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	12/31/2017
8494 West Rivershore Drive	
Niagara Falls, New York 14304	

Yeas	4
Nays	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.

Yeas

5

Nays

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:



Paul A. Dyster
Mayor

City of Niagara Falls, New York

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

City Hall
745 Main Street

Website: www.niagarafallsusa.org
e-mail: paul.dyster@niagarafallsny.gov

Phone: (716) 266-4310
Fax: (716) 266-4349

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 State 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 be "Barack Obama", with a long horizontal line extending to the right.

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.

Yeas	5
Nays	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.

Yeas

5

Nays

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.

Yeas

5

Nays

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.

Yeas 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, 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:

<u>CONTRACTOR</u>	<u>BASE BID</u>
J.R. Swanson Plumbing, Inc. 413 103 rd St. Niagara Falls NY 14304	\$94,800.00
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.

Yeas 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, 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. 1250 Broadway St. Buffalo NY 14212	\$83,285.00
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.

Yeas	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. 3925 Hyde Park Blvd. Niagara Falls NY 14305	\$642,000.00	\$18,900.00
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.

Yeas	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:

<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.

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

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

Yeas	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:

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

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

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
Guilliani, 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.

Yeas	5
Nays	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. Grant 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

Yeas	4
Anderson, Choolokian Walker, Chairman Touma	
Nays	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.

Yeas

5

Nays

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

Yeas

5

Nays

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.

Yeas	5
Nays	0
MOTION TO AMEND APPROVED	
Council Member Walker moved to adopt the Resolution as amended	
Yeas	5
Nays	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.

Yeas	3
Grandinetti, Walker, Chairman Touma	
Nays	2
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.

Yeas

5

Nays

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.

Yeas

5

Nays

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. 413 103 rd St. Niagara Falls NY 14304	\$94,800.00
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.

Yeas	5
Nays	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. 1250 Broadway St. Buffalo NY 14212	\$83,285.00
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.

Yeas	5
Nays	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. 1106 Sheridan Drive Tonawanda NY14150	\$18,100.00
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.

Yeas	5
Nays	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. 3925 Hyde Park Blvd. Niagara Falls NY 14305	\$642,000.00	\$18,900.00
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.

Yeas	5
Nays	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. 300 Scott St. Buffalo NY 14204	\$1,720,000.00
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 Choelokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	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.

Yeas	5
Nays	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.

Yeas

4

Nays

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 Baglioli 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.

Yeas	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.

Yeas	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 Gialloredo	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 Gialloredo	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, NT, 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.

Yeas	4
Nays	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.

Yeas

4

Nays

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.

Yeas

4

Nays

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.

Yeas 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.

Yeas 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.

Yeas	3
Grandinetti, Walker, Chairman Touma	
Nays	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:

<u>CONTRACTOR</u>	<u>BASE BID</u>
J.R. Swanson Plumbing, Inc. 413 103 rd St. Niagara Falls NY 14304	\$94,800.00
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.

Yeas	3
Grandinetti, Walker, Chairman Touma	
Nays	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. 1250 Broadway St. Buffalo NY 14212	\$83,285.00
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.

Yeas	3
Grandinetti, Walker, Chairman Touma	
Nays	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. 1106 Sheridan Drive Tonawanda NY14150	\$18,100.00
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.

Yeas	3
Grandinetti, Walker, Chairman Touma	
Nays	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:

CONTRACTOR	BASE BID	ALT. #2
Scrufari Construction Services Inc. 3925 Hyde Park Blvd. Niagara Falls NY 14305	\$642,000.00	\$18,900.00
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.

Yeas	3
Grandinetti, Walker, Chairman Touma	
Nays	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:

CONTRACTOR	BASE BID
Mollenberg Betz, Inc. 300 Scott St. Buffalo NY 14204	\$1,720,000.00
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.

Yeas	3
Grandinetti, Walker, Chairman Touma	
Nays	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.

Yeas

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 103rd 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.

Yeas

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.

Yeas

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.

Yeas

4

Nays

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

Yeas

4

Nays

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.

Yeas	3
Grandinetti, Walker, Chairman Touma	
Nays	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.

Yeas	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.

Yeas

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:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
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Perry Jost 327 Buffalo Avenue Niagara Falls, NY 14303	12/31/2015
---	------------

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
--------------------	----------------------

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

Yeas

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.

Yeas

5

Nays

0

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, along with 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.

Yeas

5

Nays

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.

Yeas

5

Nays

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.

Yeas 2

Grandinetti, Chairman Touma

Nays 3

Anderson, Choolokian, Walker

DEFEATED

Chairman Touma said additional temporary workers are needed for education and enforcement of Refuse/Recycling Ordinance.

COMMUNITY DEVELOPMENT: FEDERAL BUDGET FINALIZATION

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

HOME

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
Total	\$105,970

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
Total	\$105,971

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
Total	\$105,970

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.

Yeas

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.

Yeas

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.

Yeas

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.

Yeas

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.

Yeas

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.

Yeas

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.

Yeas

5

Nays

0

APPROVED

PARKS & PUBLIC WORKS: REORGANIZATION/CLASS UPGRADE

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.

Yeas 1

Grandinetti

Nays 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.

Yeas 5

Nays 0

APPROVED

CLAIM: GEICO GENERAL INSURANCE COMPANY

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.

Yeas

5

Nays

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.

Yeas

5

Nays

0

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 12/31/2015
824 Maple Avenue
Niagara Falls, NY 14305

Yeas 5
Nays 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.

Yeas 5
Nays 0
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.

Yeas 5
Nays 0
ADOPTED

Chairman Tuma 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.

Yeas

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.

Yeas

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



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.

Yeas

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Nays

0

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.

Yeas	5
Nays	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.

Yeas	5
Nays	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.

Yeas	5
Nays	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.

Yeas

5

Nays

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.

Yeas

5

Nays

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.

Yeas	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.

Yeas	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 vouchers.

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.

Yeas

5

Nays

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.

Yeas

5

Nays

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.

Yeas

5

Nays

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.

Yeas

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.

Yeas

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.

Yeas

5

Nays

0

AMENDMENT APPROVED

Council Member Walker moved to approve the communication as amended.

Yeas

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.

Yeas 3

Anderson, Choolokian, Walker

Nays 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.

Yeas 5

Nays 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

Yeas
Nays

5
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.

Yeas
Nays

5
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.

Yeas

5

Nays

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.

Yeas

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.

Yeas

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



APRIL 13, 2015

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the April 13, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:03 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 Choolokian moved to approve the Minutes from the City Council Meeting of March 30, 2015.

Yeas

5

Nays

0

APPROVED

Chairman Andrew Touma gave a Presentation on the 2015 City Council Survey and Action Plan. He noted that the Survey reached almost 500 people, and the Survey form was available in both libraries, at the Clerk's and Billing & Collections Offices at City Hall and online. He said the purpose of the Survey was to allow all residents to have the opportunity to have their voice count, and the Council would use the information provided on the Surveys in planning and going forward.

Jarrett Steffen spoke on the Niagara Riverkeeper Spring Shoreline Cleanup on April 25, and the areas that would be addressed. He said that he would leave a sign-up sheet for volunteers to sign. Assemblyman John Ceretto was present, and said he was glad to see that Cayuga Creek was one of the areas included in the Cleanup. Mayor Paul Dyster added that the City's Annual Spring Cleanup Event would be held on May 2.

In the Administrative Update, Mayor Dyster reported that:

1. The Housing Visions Seventh Street Housing Project had received positive comments.

2. Phase III of the Train Station was underway. Council Member Walker asked if there was a Management Plan in place for the Train Station, and the Mayor responded that there was.

3. Work on Centennial Circle and downtown restaurant expansions was ongoing.

4. Work on the Robert Moses Parkway was progressing.

Council Member Choolokian asked about the status of the Hamister Project, and the Mayor responded that the developer was applying for the necessary encroachments.

Council Member Walker inquired about the equipment replacement at D'Amelio Park, and Acting Director of Parks and Public Works John Caso said that the basketball hoops have been installed. Mayor Dyster added that he will get an update to the Council on the new playground equipment.

Chairman Touma asked about the progress of implementing the parking program in the downtown area, and City Administrator Donna Owens said that interviews had taken place for an RFP for 40 meters downtown, and the program is moving ahead, on track, with no definite timeline for implementation. She added that Civil Engineer Robert Buzzelli would give an update at the next Council Meeting. City Controller Maria Brown noted that parking revenues were significantly increased in the 2015 Budget, and the City needed to start collecting these revenues as soon as possible in order to avoid a Budget shortfall.

Council Member Walker noted that the City is covering a lot of expenses for the Water Board, and asked that a Water Board representative attend the next Council Meeting to discuss these issues. Assemblyman Ceretto said that he had pushed for Legislation in the State's Budget for funds to address municipal infrastructure issues, with the hope that some of the funding would be awarded to the City of Niagara Falls.

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

1. A communication relative to funding for an emergency electrical repair at the Hyde Park Ice Pavilion.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #21.

2. A communication relative to a Letter of Award for 2015 Drainage Structure Replacement and Repair.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #22.

3. A communication relative to a Change Order in the Weston Avenue Reconstruction Project.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #23.

4. A Resolution relative to remembering the Armenian Genocide.

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

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #24.

Council Member Choolokian asked about the amount of funding that was being requested for the Department of Public Works at this time (Agenda Items 5, 6, & 7). Mayor Dyster responded that funds for temporary workers could not be put into the Budget while there were employee layoffs included in the Budget, so the funding for temporary workers is now needed to be added, and the overtime in the Budget had been depleted due to the severe weather conditions. The Council Member said that he would have liked to see the funding added in increments over time, and not all at once. Council Member Walker noted that the amount that was asked to be added was more than the amount that was cut. Mr. Caso also added that the City was now responsible for the Stadium and additional street construction was added which increased the amount of funding needed for his Department. Mrs. Brown also added that Mr. Caso had done a detailed cost analysis of the needs for his Department in order to arrive at this figure.

Mayor Dyster explained the need for the emergency electrical repair at the Ice Pavilion (Agenda Item #21).

Council Member Grandinetti moved to remove from the table the communication relative to awarding the Bid for Prisoner Meals (Agenda Item #3).

Yeas	5
Nays	0
MOTION TO REMOVE COMMUNICATION FROM TABLE APPROVED	

This Session ended at 6:56 PM

Chairman Touma reconvened the Meeting at 7:15 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Choolokian and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Ron Anderluh	Agenda Item #8
Ken Hamilton	Agenda Item #3
Vince Anello	Agenda Item #7
Jarrett Steffen	Niagara Riverkeeper Spring Shoreline Cleanup
Henry Krawczyk	against any additional funding for DPW; against paying private contractors to do work for City; Bill for property cleanup; no need for Amtrak Station
Ken Hamilton	Suggested Council set Legislative Agenda for the Year at Organizational Meeting; housing of mental patients at YMCA
Sylvia Francis	Frozen water lines on Independence Ave.
Linda Burge	Frozen water lines on Independence Ave.; put Water Board back under control of City
Assemblyman John Ceretto	Represents Niagara Falls and will help area however he can
Anthony Casilio	YMCA closing
Micah Jones	YMCA closing
Deborah Renford	YMCA closing
Diane Tattersall	YMCA closing

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF MARCH 2015

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF MARCH 2015

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

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

APPROVED

Council Members Choolokian and Grandinetti and Chairman Touma said that they would like to see the Law changed to favor local businesses when bids are awarded.

CONTRACT: SIDEWALK REPLACEMENTS, VARIOUS LOCATIONS, YARUSSI
CONSTRUCTION

Agenda Item #4

The following is the result of bids received on April 1, 2015, for the above referenced project:

CONTRACTOR	BASE BID
Yarussi Construction Inc.	\$445,400.00
5650 Simmons Ave.	
Niagara Falls NY 14304	

Ventry Concrete Contracting	\$458,100.00
Roman Construction Development	\$616,700.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Yarussi Construction, Inc. in the amount of \$445,400.00. Please note that this amount is funded by a combination of both CHIPS (\$210,000.00) and casino revenue (\$235,400.00) sources. Funding is available in codes A.5110.0200.0300.000 and H0621.2006.0621.0449.599 respectively.

Additionally, the Contractor has agreed to extend the unit prices of his bid to complete sidewalk replacements for the Niagara Falls Water Board, up to a not-to-exceed amount of \$20,000.00, pending the execution of a standard inter-agency agreement between the City and the Niagara Falls Water Board. Therefore, the City of Niagara Falls will enter into a contract with Yarussi Construction, Inc. for a total of \$465,400.00 at this time.

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

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

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS/PARKS: EQUIPMENT/REPAIRS, FUNDING

Agenda Item #5

The Department of Public Works and Parks equipment/repairs budget line is running short. A roller must be repaired in the amount of \$4,603.41 and a street CAT needed for street work must be repaired in the amount of \$2,179.31, for a total of \$6,782.72. Funding is available from H1013-Old Falls Street Storefront Project. It is requested that the amount of \$6,782.72 be transferred from H1013 to H0912 to W/Parks Equipment/Repairs.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS: OVERTIME, FUNDING

Agenda Item #6

The City experienced severe snow storm events during the first few months of 2015. As a result, fund overages were incurred in City DPW divisions. Central Garage (A.1640.000.0140.000) experienced an overage of \$24,153 plus FICA, totaling \$25,990 and Snow Removal (A.5142.0000.0140.000) incurred an overage of \$47,000 plus FICA, for a total of \$50, 596. These two combined for overtime overages total \$76,586.

Funding is available from Tourism Fund Balance and this transfer is requested to these divisions.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

PUBLIC WORKS: TEMPORARY POSITIONS, SUMMER/FALL MONTHS, FUNDING

Agenda Item #7

Attached hereto (on file in the City Clerk's Office) is a spreadsheet detailing money for temporary positions that will be needed by DPW for the upcoming summer and fall months. The funding requested, inclusive of FICA, is \$444,063.79.

Funding is available from Casino Revenues.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: GILL CREEK PARK SIGN, COOPER SIGN

Agenda Item #8

The Community Development solicited proposals for a masonry monument sign at Gill Creek Park. Only one proposal was received. Cooper sign offered to perform the work for \$9,298.50, plus the cost of any permits. The price has been determined to be fair for the work to be performed. Funds are available to pay for the sign in the Gill Creek Park public improvement budget in budget line CD1.8662.0000.0450.500 (CPW-078)

Will the Council vote to approve the sign contract 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.

Yeas

5

Nays

0

APPROVED

COMMUNITY DEVELOPMENT: COMMUNITY MISSIONS, GRANT REPROGRAMMING

Agenda Item #9

The Community Development Department has identified prior year's funds from the federal Emergency Shelter Grant (ESG) program which must be reprogrammed and expended by September 15, 2015. These funds were appropriated by Council to two agencies which were unable to utilize the grants. Community Development has subsequently ceased to fund the agencies.

It is proposed that the sum of \$18,997.57 in 2010 ESG funds be reprogrammed to Community Missions of Niagara Frontier, Inc. for emergency shelter operations activities, to be expended prior to September 15, 2015. Community Missions is instrumental in providing shelter operations in Niagara Falls, and will be able to expend the funds in accordance with the required timeline.

Will the Council vote to approve \$18,997.57 of ESG funds as a grant to Community Missions of Niagara Frontier, Inc. 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.

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

APPROVED

Chairman Touma said that the City has already given \$150,000 to Community Missions and he would not vote to give any additional funding.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CITY PROPERTY: 300 THIRD STREET, ENCROACHMENT/INSTALLATION OF A SIGN

Agenda Item #10

The Sheraton at the Falls Hotel located at 300 Third Street has requested approval for the installation of a sign that will encroach into the City right-of-way. The bottom of this sign will be located approximately ten feet above the City right-of-way. The Planning Board has reviewed this request and has recommended approval of this installation of a sign on the south side of the building to advertise the location of an arcade in the building. Conditions are attached (on file in the City Clerk's Office) to the Planning Board's recommendation.

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

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

WELCH AVENUE, NORTH SIDE, NIAGARA ST. ELEMENTARY SCHOOL, CHANGE "NO PARKING ANYTIME" RESTRICTION

Agenda Item #11

At the Traffic Advisory Commission meeting held on March 31, 2015 the Commission recommended APPROVAL of the following item:

CHANGE "NO PARKING ANYTIME" RESTRICTION TO:
"NO PARKING:

- A.) SCHOOL DAYS FROM APRIL 1 TO NOVEMBER 15, BETWEEN
8AM - 5PM
- B.) SCHOOL DAYS FROM NOVEMBER 16 TO MARCH 31, ANYTIME
(24 HOURS)"

ON WELCH AVENUE, NORTH SIDE, IN THE CUT OUT AREA ALONG NIAGARA STREET
ELEMENTARY SCHOOL (2513 NIAGARA STREET)

The request to allow parking in the school's cut out area during non school days and on school days outside of school hours (8am to 5pm) was made by the residents to gain six (6) additional parking spaces, especially for use in overnight parking on even nights of the week. A compromise on this original request was reached between the residents and the School District, to allow District crews adequate time to plow this area in the winter months while allowing the residents to use this area during other (non-winter) non school days/hours during the year.

Submitted By: Linda Van Every, 2523 Welch Avenue &
petition/residents of block

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
	APPROVED

616 27TH ST., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #12

At the Traffic Advisory Commission meeting held on March 31, 2015 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 616 27th STREET

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

Submitted By: Louise Gilmer, 616 27th Street (Lower)

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
	APPROVED

620 23RD ST., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #13

At the Traffic Advisory Commission meeting held on March 31, 2015 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 620 23RD STREET

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

Submitted By: Franklin Bedgood, 620 23RD Street, Apt. # 1
It is requested that City Council approve this recommendation.
Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

1317 ROSELLE AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #14

At the Traffic Advisory Commission meeting held on March 31, 2015 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1317 ROSELLE AVENUE

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

Submitted By: Dorianne Ciocco, 1317 Roselle Avenue
It is requested that City Council approve this recommendation.
Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

1523 LINWOOD AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #15

At the Traffic Advisory Commission meeting held on March 31, 2015 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1523 LINWOOD AVENUE

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

Submitted By: John Marsh, 1523 Linwood Avenue
It is requested that City Council approve this recommendation.
Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

2734 FOREST AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #16

At the Traffic Advisory Commission meeting held on March 31, 2015 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2734 FOREST AVENUE

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

Submitted By: Megan Golden, 2734 Forest Avenue

It is requested that City Council approve this recommendation.

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

Yeas

5

Nays

0

APPROVED

3052 MONROE AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #17

At the Traffic Advisory Commission meeting held on March 31, 2015 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 3052 MONROE AVENUE

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

Submitted By: Troy Lee Carter, 3052 Monroe Avenue

It is requested that City Council approve this recommendation.

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

Yeas

5

Nays

0

APPROVED

WALNUT AVE. BETWEEN 4TH ST/5TH ST, INSTALL OVERNIGHT PARKING

Agenda Item #18

At the Traffic Advisory Commission meeting held on March 31, 2015 the Commission recommended APPROVAL of the following item:

INSTALL OVERNIGHT PARKING ON WALNUT AVENUE BETWEEN 4TH
STREET & 5TH STREET (NORTH SIDE ONLY)

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

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

Submitted By: George Woodley, 421 Walnut Avenue & petition/residents
of block

It is requested that City Council approve this recommendation.

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

Yeas

5

Nays

0

APPROVED

79TH ST & GIRARD AVE/80TH ST & LINDBERG AVE., INSTALL "ALL WAY STOP SIGNS"

Agenda Item #19

At the Traffic Advisory Commission meeting held on March 31, 2015 the Commission recommended APPROVAL of the following item:

INSTALL "ALL WAY STOP SIGNS" AT THE INTERSECTIONS OF 79th STREET & GIRARD AVENUE AND 80th STREET & LINDBERGH AVENUE

Submitted By: City Council Chairman Andrew Touma, on behalf of Keith Renford, 503 80th Street

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

Yeas 5
Nays 0

APPROVED

Chairman Touma thanked the Traffic Advisory Commission for approving this request.

BUFFALO AVE/57TH ST. THROUGH 63RD ST, 56TH ST. AT STEPHENSON AVE. (8 STREETS TOTAL), INSTALL "NO TRUCK/BUS TRAFFIC" SIGNS

Agenda Item #20

At the Traffic Advisory Commission meeting held on March 31, 2015 the Commission recommended APPROVAL of the following item:

INSTALL "NO TRUCK/BUS TRAFFIC" SIGNS AT THE INTERSECTIONS OF BUFFALO AVENUE AT 57th STREET THROUGH 63RD STREET AND THE INTERSECTION OF 56TH STREET AT STEPHENSON AVENUE (8 STREETS TOTAL)

This request was made to help alleviate the ongoing problem of large trucks and tour buses illegally cutting through these narrow residential side streets and the property damage which results.

Submitted By: Ronda Grose, 5628 Stephenson Avenue

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

Yeas 5
Nays 0

APPROVED

Council Member Grandinetti commended Ronda Grose for her work in moving this forward.

ICE PAVILION: ELECTRICAL REPAIR, O'CONNELL ELECTRIC CO., INC.

Agenda Item #21

Over the weekend of April 4 and 5, 2015, it was necessary to engage an electrician to make repairs to the electrical system at the Hyde Park Ice Pavilion on an emergency basis. O'Connell Electric Company, Inc. was engaged to make this repair. Attached hereto (on file in the City Clerk's Office) is a copy of its invoice for emergency repairs in the amount of \$8,590.31. Funding to pay this bill is available from Code H0819.2008.0819.0449.599.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: 2015 DRAINAGE STRUCTURE REPLACEMENT/REPAIR PROJECT, VARIOUS LOCATIONS, MARK CERRONE, INC.

Agenda Item #22

The following was the result of bids received on April 8, 2015, for the above referenced project:

CONTRACTOR	BASE BID
Mark Cerrone Inc. 2368 Maryland Ave. Niagara Falls NY 14305	\$ 463,992.00
Yarussi Construction Inc.	\$ 471,557.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Mark Cerrone, Inc. at their Base Bid of \$463,992.00. Please note that this amount is funded by a combination of both CHIPS (\$131,766.40) and Casino Revenue (\$332,225.60) sources. Funding is available in codes H0315.2015.0315.0449.599 and H0621.2006.0621.0300.000 respectively.

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: WESTON AVE. RECONSTRUCTION PROJECT, MARK CERRONE, INC.

Agenda Item #23

A contract for the above referenced project was awarded to Mark Cerrone, Inc. 2368 Maryland Avenue, Niagara Falls, New York on August 14, 2014, in the amount of \$542,833.00.

Subsequent to the start of work, and at the City's direction, extra tasks were performed to address poor soil conditions, extra tree removals and existing water and sewer manhole deficiencies. The cost associated with the extra tasks is \$43,027.05, bringing the contract total to \$585,860.05. Funding is available in H0812.2008.0812.0449.599.

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: ARMENIAN GENOCIDE, REMEMBERING VICTIMS, 2015-31
BY: COUNCIL MEMBER GLENN CHOOLOKIAN

Agenda Item #24

WHEREAS, the Medz Yeghern, or "Great Crime," also called the Armenian Genocide, resulted in the deaths of approximately 1.5 million members of the Armenian minority in the Ottoman Empire through forced exile and murder, and

WHEREAS, April 24, 2015 marks the one-hundredth anniversary of the beginning of this horrific international tragedy, and

WHEREAS, people the world over, including members of the Armenian diaspora in the city of Niagara Falls, New York, will pause this month to remember those who were killed during the Medz Yaghern, and

WHEREAS, the City Council of the City of Niagara Falls wishes to submit into the public record a commemoration of the lives of all those lost during the Medz Yaghern, one hundred years ago, now

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

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council,
Chairman Touma adjourned the Meeting at 8:12 P.M.

Carol A. Antonucci
City Clerk



APRIL 27, 2015

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the April 27, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:04 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 Seth Piccirillo, 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 April 13, 2015.

Yeas

5

Nays

0

APPROVED

Father Slavomir Siok was honored by the Council on the occasion of the 25th Anniversary of his Ordination to the Priesthood (Agenda Item #13). The Resolution honoring Fr. Siok was read by Bob Belkota, one of his parishioners, and a copy of the Resolution was presented to Fr. Siok by the Council Members.

Rev. James J. Maher was honored by the Council on the occasion of the 25th Anniversary of his being a member of the Vincentian Community of Priests and Brothers (Agenda Item #17). The Resolution honoring Fr. Maher was read by City Controller Maria Brown, and present to Fr. Maher by the Council Members.

In the Administrative Update, Mayor Paul Dyster spoke on the In-House Paving Program, and noted that W. Rivershore Drive and part of Portage Road and 27th Street would be included in the Program. He also said that use of the Pothole Killer will begin on May 4.

Council Member Grandinetti asked if there was any further information on the frozen water lines on 72nd and 77th Streets and Independence Avenue, and the Mayor responded that there was not. Chairman Touma said that he had spoken to Water Board Director Paul Drof, who informed him that digging on 72nd and 77th streets would start this week or next. Chairman Touma asked that the Administration coordinate the work with the Water Board, and keep the Council informed when the digging begins. Council Member Choolokian asked about Independence Avenue, and the Mayor said that research was the first step to try to figure out what the issue was there. Council Member Walker asked if the City was working with the Water Board on this issue, or working independently. The Mayor responded that both were being done, and Council Member Walker added that the City and the Water Board need to discuss a better way of doing things to help the residents, and Mayor Dyster said that the Law Department has contacted the Water Board Attorney to begin a discussion on the issue. Council Member Anderson said he doesn't remember any problems in the area with water lines before the repair work was done.

Chairman Touma said that he had reached out to the President/CEO of the YMCA to meet with him and the Mayor. He said that after their meeting, he received a letter stating that the YMCA was under contract for sale to the Gospel Rescue Mission, and that decision was irreversible. The Director of the Gospel Rescue Mission agreed to meet to discuss use of the "Y" property.

City Controller Maria Brown spoke on the decline in the amount of Casino revenue the City receives, and stressed the need for a Spending Plan for these funds. Chairman Touma said that he would meet with the Mayor and Council Member Walker to discuss this issue.

Chairman Touma noted that the overtime line for the Engineering Department is already over budget, and asked Mayor Dyster what steps have been taken to address the issue. Mayor Dyster responded that last year, the salary budgeted for the City Engineer position was used to cover the overtime since the City Engineer position was not filled. Council Member Walker questioned how the work of the Engineering Department staff and the consultant for the Department was being monitored, and Mayor Dyster said that was done by a Coordinating Committee comprised of the Mayor, City Administrator and others. Mrs. Brown verified that there was no funding left in the overtime line for the Engineering Department, and Council Member Anderson added that "you can't spend money you don't have".

In response to Chairman Touma's questions, Mayor Dyster said that he will clarify with Modern their flexibility about the pickup of items other than those that are in the totes as part of the bulk pickup.

Council Member Choolokian asked Community Development Director Seth Piccirillo about the status of the Highland Avenue Fire Hall, and Mr. Piccirillo responded that the request for bids for the roof have been advertised.

Corporation Counsel Craig Johnson distributed copies of Items to be amended and/or added to the Agenda:

1. An amendment to Agenda Item #19, a Resolution relative to appointment of the City Council Secretary, to add the name of Bridgette Myles as the person to be appointed.

Council Member Choolokian moved to amend the Resolution.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

2. An Amendment to Agenda Item #10, a Resolution relative to authorizing funding for the local share of the Project to paint the Porter Avenue Bridge over the CSX Railroad, to add additional needed funding from Casino funds.

Council Member Grandinetti moved to amend the Resolution.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

3. A communication relative to encroachment over City Property at 1701 Pine Avenue.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #21.

4. A communication relative to encroachment over City Property at 300 Third Street.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #22.

Chairman Touma suggested consolidating the Seneca Casino's Fireworks Display with the City's, and asking the Seneca's to contribute toward the City's Fireworks. Mayor Dyster responded that the Seneca's Fireworks are not displayed on the 4th, and the City's display is a family event that is held on the 4th, and this amount is the bare minimum needed to keep this family tradition (Agenda Item #2).

Chairman Touma inquired about the process for selecting the artist for the public artwork component of the Centennial Circle Project (Agenda Item #9). Mayor Dyster responded that it will be a competitive process, and grant funds are being used for the Project, along with contributions of funds from the City and USA Niagara.

This Session ended at 7:07 PM.

Chairman Touma reconvened the Meeting at 7:25 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Ron Anderluh	Agenda Item #8
Steve Brown	Agenda Item #8
Ken Hamilton	Agenda Items #4, #5, #6, #9, #10, #16
Henry Krawczyk	Agenda Items #1, #2, #4, #6, #8
Anthony Casillio	YMCA, keep programs
Tony Poletti	Keep YMCA programs
Sylvia Francis	Tar put on Independence Ave., frozen water lines; trash issues
Michael Henderson	YMCA inhabitants
Ronald Coty, Jr.	Billed for water not used
Ken Hamilton	Water Board issues; housing issues; YMCA closing
Joseph Heasley	YMCA closing
Robert Ventry	Agenda Item #8; alley between 3 rd & 4 th & Ferry & Walnut needs repairs; garbage issue; YMCA Closing
Jason Chilcote	Roads that need repairs & 8 th & Pierce; secure abandoned properties; parolee issues
Vince Anello	Financial deficit, need Casino Spending Plan
Henry Krawczyk	DPW spending issues; against raise in parking rates & waiving parking fees
Susan Sorci	Condition of City streets

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: SODIUM HYPOCHLORITE, RIVERSIDE CHEMICAL CO.

Agenda Item #1

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

TO: Riverside Chemical Co.
871 River Road
P.O. Box 197
North Tonawanda, NY 14120

FOR: Sodium Hypochlorite as described on the attached tally sheet.

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 six (6) companies. Three (3) bids and one (1) "No Bid" were received. After reviewing each bid, it was determined that Riverside Chemical was the lowest bid as shown on the attached (ON FILE IN THE City Clerk's Office) tally sheet.

Funds are available in the DPW Pool Maintenance Miscellaneous Chemicals account code A.7146.0200.0419.009.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: FIREWORKS DISPLAY, SKYLIGHTERS FIREWORKS

Agenda Item #2

We respectfully request you award a contract for a fireworks display as follows:

TO: Skylighters Fireworks
P.O. Box 1357
Orchard Park, NY 14127

FOR: Fireworks displays on July 4, 2015 at Hyde Park:
\$25,000.00

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

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to five (5) companies. One (1) proposal was received. After reviewing the proposal, it was determined that Skylighters Fireworks would fit the City's needs.

Funds are available in the Tourism Fund account code T.6410.0000.0449.599.

Will the Council so approve?

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

Yeas

4

Anderson, Choolokian, Grandinetti, Walker

Nays

1

Chairman Touma

APROVED

Chairman Touma said that the 4th of July is a celebration for families and he had asked if the Senecas could contribute to the City's fireworks instead of having their own display but he felt it is a quality of life issue to have the fireworks on the 4th of July.

CONTRACT: LANDSCAPING OF MEDIANS, J.F. KRANTZ NURSERY, INC.

Agenda Item #3

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

TO: J.F. Krantz Nursery Inc.
9950 County Road
Clarence Center, NY 14032

FOR: Landscaping and maintenance of the medians along

Niagara Street, John B. Daly Boulevard, Rainbow Boulevard and the
Traffic Circle:
\$ 52,374.00

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to seventeen (17) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Gardenville Landscape & Nursery LLC (\$ 58,400.00,) Villani's Lawn & Landscape, LLC (\$ 69,175.00,) and Beau Enterprises, Inc. (\$ 71,400.00.)

Funds for this expenditure are available in H1313.2013.1313.0449.599.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CODE ENFORCEMENT: REPAIR/DEMO/BOARD OF STRUCTURES WITHIN THE CITY, EXPENSES

Agenda Item #4

In accordance with Chapter 1133, Section 1133.08 of the City of Niagara Falls Codified Ordinances, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall "order an assessment against said premises for several sums herein reported".

We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the City of Niagara Falls Codified Ordinances.

A list of all chargeable costs incurred is attached (on file in the City Clerk's Office). A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Code Enforcement.

Will the Council so order?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: AUCTION HOUSE CLEANING, GOOD GUY'S LANDSCAPING, LLC

Agenda Item #5

As the Community Development Department prepared for its home auction, it was discovered that some of the houses to be offered for sale were filled with decrepit furniture and debris. Proposals were solicited for the removal of all interior household furnishings and debris at 4300 Crescent Drive, 4377 Crescent Drive and 2723 LaSalle Avenue.

Proposals were received as follows:

Good Guys Landscaping, LLC, Amherst \$2,100.00
All Trash Be Gone, Lancaster \$3,078.00
Baggs Service, Lockport \$3,740.00

It is recommended that the cleaning contract be awarded to Good Guys Landscaping, LLC. The contractor will provide standard City insurance for the work.

Funds are available to pay for this in budget line CD1.8677.0000.0450.500 (CIA-001). In addition, renovation funds from the property sale agreement, approved by City Council, with Wells Fargo Bank can be used to reimburse the budget line.

Will the Council vote to approve the award of the house cleaning contract 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.

Yeas 5
Nays 0
APPROVED

CONTRACT: TROLLEY SERVICE, NFTA

Agenda Item #6

It is desirable to reinstitute again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. It is recommended that Trolley Service commence on May 15, 2015 and conclude October 31, 2015. During the month of May, 2015, from May 15, 2015 through May 31, 2015, the Trolley Service will operate on weekends only (Friday, Saturday and Sunday) plus May 25, 2015. Trolley service from June 1, 2015 through September 30, 2015 will be on a daily basis. From October 1, 2015 through October 31, 2015, trolley service will be on weekends only (Friday, Saturday, Sunday). From November 1, 2015 through December 31, 2015, NFTA validated passes may be utilized for all metro routes. The cost to the City for this service will be \$541,000. This will be subject to the terms and conditions contained in an agreement subject to approval by the Corporation Counsel which will also contain a route for service. Funding is available from the Tourism Fund balance.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: 91ST POOL, SWIMMING POOL FILTER VALVES REPAIR, FUNDING

Agenda Item #7

Repair work must be performed on filter valves at the 91st Street pool. The cost of this work is estimated to be \$22,000. Funding is available from Casino Revenues and should be transferred to H0912.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

PUBLIC WORKS: IN-HOUSE PAVING PROGRAM, FUNDING

Agenda Item #8

The Director of the Department of Public Works ("DPW") is requesting the sum of \$1,500,000.00 be made available for the 2015 in-house paving program. Funding is available as follows: \$1,078,252.00 from the 2013 local share of discretionary casino revenues and \$421,748.00 from the non-discretionary 2013 local share of casino revenues specifically designated for infrastructure and road improvement projects pursuant to Section 99h(4)(a)(iii) of the State Finance Law. These sums are to be transferred to Capital account code H0812.2008.0812.0449.599.

There will also be a \$1,000,000.00 match in CHIPS funding allocated to account code H0315.2015.0315.0419.006.

The total amount for the 2015 in-house program is \$2,500,000.00.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: CENTENNIAL CIRCLE PROJECT, CITY CONTRIBUTION, FUNDING

Agenda Item #9

Some time ago the City applied for and received an allocation of Greenway Funds in the amount of \$335,000 for improvement to and the dedication of the Centennial Circle. While the project will involve improvements to the existing traffic roundabout and dedicate it to honor the 100th anniversary of the Boundary Waters Treaty of 1909, it will also include a public art component. As part of the grant application which was approved by the City Council on January 26, 2009, there was a component calling for a \$50,000 contribution from U.S.A. Niagara Development Corporation for design and construction oversight as well as a \$50,000 contribution from the City of Niagara Falls for the public artwork component involving regional/national announcements and management of the artist selection process. It is now desirable for this project to move forward and it is requested that the sum of \$50,000 be made available for this purpose.

Funding is available from casino revenues.

Will the Council so approve and authorize the Mayor to execute any agreements required to move this project forward, subject to the approval of the Corporation Council?

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

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

APPROVED

Council Member Anderson said that with the City's financial difficulties, this could be put off until next year.

Council Member Choolokian said that the City is in a financial crisis and spending has to be prioritized.

Council Member Grandinetti said grant money is used for this Project and the City contribution is money well spent.

Chairman Touma said this area showcases our history.

NIAGARA MILITARY AFFAIRS COUNCIL: FUNDING

Agenda Item #10

The City has been asked once again by the NIMAC to contribute the sum of \$40,000 to it in its efforts aimed at securing the future of the Niagara Falls Air Reserve Station. As you know, the Niagara Falls Air Reserve Station is Niagara County's largest public employer. NIMAC is requesting the City to contribute this sum to retain this important asset and the 3,000 plus jobs it represents in Niagara.

Attached (on file in the City Clerk's Office) hereto is a letter from NIMAC in this regard.

Funding is available from Casino Revenues.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: WALASZEK, JOHN

Agenda Item #11

Date Claim Filed:	December 12, 2014
Date Action Commenced:	N/A
Date of Occurrence:	December 11, 2014
Location:	2945 Grand Avenue, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Jeanine Harvey
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$855.94
Make Check Payable to:	John Walaszek
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yeas	5
Nays	0

108

APPROVED

CLAIM: HAMILTON, CARLENE, MALIA S. HAMILTON

Agenda Item #12

Date Claim Filed:	October 30, 2012
Date Action Commenced:	August 5, 2013
Date of Occurrence:	October 2, 2012
Location:	Playground at 561 Portage Road
Nature of Claim:	Injuries from fall at playground.
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$20,000.00
Make Check Payable to:	To be determined by NYS Supreme Court.
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.

Yeas	5
Nays	0

APPROVED

RESOLUTION: SIOK, FATHER SLAVOMIR, HONORING, 2015-32
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, Rev. Slavomir Siok, SAC, was born in Myszyniec, Poland in 1963, attended the Minor Seminary of the Pallottines, and was ordained a priest in the Catholic Church on May 5th, 1990, and

WHEREAS, Father Siok's assignments brought him to the Church of the Annunciation in Szmonki, Poland, where he worked as the religion educator in the public elementary school system, to Edinburgh, Scotland to learn English and serve as the Chaplain for the Community of the Brothers of Charity, and

WHEREAS, Father Siok first came to Western New York in 1992, when he worked at St. Peter's Roman Catholic Church in Lewiston, New York until 1998, when he was then assigned to Brooklyn, New York until 2003, and

WHEREAS, he was assigned to Holy Trinity and St. Stanislaus Kostka Churches in Niagara Falls in 2003, in his first assignment as a pastor, and

WHEREAS, he then became pastor of St. John de LaSalle Parish in the City of Niagara Falls, following a number of parish mergers in the diocese, and

WHEREAS, Father Siok's years in the priesthood has helped to provide him with the tools and experience necessary to lead his parish and to shepherd countless individuals across Europe and the United States, helping them to grow in the theological virtues of faith, hope, and charity, now

THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby honors Father Slavomir Siok, SAC on the occasion of the 25th Anniversary of his ordination to the priesthood, and wishes him many happy years of service to come.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: FAIR HOUSING MONTH, 2015-33
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, the City Council of the City of Niagara Falls, New York believes that securing decent and safe housing is part of the American dream and a goal of all Niagara Falls residents, and

WHEREAS, individuals in the City of Niagara Falls have the right to choose where to live without discrimination based on race, color, religion, age (40 and over), sex (including sexual harassment and pregnancy), familial status, marital status, national origin/ancestry, disability, sexual orientation, gender identity, military status, unfavorable military discharge, and order of protection status, and

WHEREAS, acts of housing discrimination and barriers to equal housing opportunity are directly opposed to the principles of justice and fairness, while economic stability, community health, and human relations in all communities are improved by diversity and integration, and

WHEREAS, stable, integrated, and balanced residential patterns are threatened by discriminatory acts and unlawful housing practices that result in segregation of residents and opportunities in our region, and

WHEREAS, the talents of grassroots and non-profit organizations, housing service providers, financial institutions, elected officials, state agencies, and others must be combined to promote and preserve integration, fair housing, and equal opportunity,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls does hereby declare the month of April 2015 to be "Fair Housing Month" in the City of Niagara Falls.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PARKING RATES, RECREATIONAL VEHICLES/BUSES, 2015-34
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #15

WHEREAS, The City Council recently approved increases in the daily parking rates to take effect after Memorial Day, 2015; and

WHEREAS, It is desirable to specify additional daily parking fees for recreational vehicles and buses of any kind and description because those vehicles typically require multiple parking spaces.

NOW, THEREFORE, BE IT RESOLVED, that effective immediately, this City Council does hereby set the parking fees in all City owned lots as \$45.00 for recreational vehicles and buses of any kind and description; and

BE IT FURTHER RESOLVED, that this fee of \$45.00 is increased by \$15.00 for each additional parking space in excess of three parking spaces that the recreational vehicle and/or bus of any kind and description occupies.

Yeas

5

Nays

0

ADOPTED

Chairman Touma said the recreational vehicles and buses should pay more than cars.

RESOLUTION: PARKING FEES, WAIVING, 2015-35
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #16

WHEREAS, On May 6, 2015, the Niagara Tourism and Convention Corporation ("NTCC") is hosting a free event at the Conference Center recognizing hospitality and tourism community employees who work in that industry in the City of Niagara Falls; and

WHEREAS, This event is called a "Day of Appreciation" and will take place on May 6, 2015 from 12:30 p.m. - 4:30 p.m.; and

WHEREAS, The NTCC has requested that this City Council waive parking fees for the hospitality and tourism community employees attending this event in further recognition of their value to the hospitality and tourism industry.

NOW, THEREFORE, BE IT RESOLVED, that this City Council does hereby waive parking fees on May 6, 2015 for hospitality and tourism community employees attending the "Day of Appreciation"; and

BE IT FURTHER RESOLVED, that this waiver of fees for parking will apply in the City owned lot at Rainbow and Third Street and the surface lot at Third Street and Niagara Street on May 6, 2015 from 12:30 p.m. - 4:30 p.m..

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

ADOPTED

RESOLUTION: MAHER, REV. JAMES J., HONORING, 2015-36
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, Rev. James J. Maher, C.M., D. Min. ("Father Maher"), was appointed the 26th president of Niagara University on March 13, 2013, assumed office as of August 1, 2013 and was formally inaugurated on April 4, 2014; and

WHEREAS, on May 9, 2015 Father Maher will celebrate his twenty-fifth anniversary as a member of the Vincentian Community of Priests and Brothers; and

WHEREAS, this anniversary will be recognized by Niagara University and the University community in the form of a Eucharistic Liturgy and dinner to be held at the Castellani Art Museum on the Niagara University campus on May 9, 2015; and

WHEREAS, before coming to Niagara University, Father Maher served for 23 years at St. John's University in New York City, acting in various executive capacities; and

WHEREAS, Father Maher earned his Doctor of Ministry Degree from the Immaculate Conception Seminary and Graduate School of Theology as well as two Master's Degrees In Theology from the Mary Immaculate Seminary and a Bachelor Of Arts In Sociology from St. John's University and has completed numerous professional leadership and management programs; and

WHEREAS, Father Maher has written and presented many scholarly papers and has received several honors and awards such as the Pietas Medal from St. John's University (2009), Madison's Who's Who, Outstanding Leader in Education (2008), Student Affairs' Outstanding Administrator Achievement Award from St. John's University Student Government Inc. (2005), Epsilon Kappa, Sigma Delta Phi, The National Hispanic Honor Society (2005), Top 100 Irish-Americans in the U.S. by Irish America Magazine (2004), and New Yorker of the Week, New York 1 News (1995).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that this City Council does hereby recognize and honor Father Maher on his twenty-fifth anniversary as a member of the Vincentian Community of Priests and Brothers.

Yeas	5
Nays	0

111

ADOPTED

RESOLUTION: "ABANDONED PROPERTY NEIGHBORHOOD RELIEF ACT OF 2015",
ENACT, 2015-37
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, in the wake of the financial crisis of 2008, there has been a marked increase in New York State in the incidence of vacant and abandoned residential properties securing delinquent mortgages, which properties frequently fall into disrepair, thus devaluing neighboring properties and harming the larger community; and

WHEREAS, these vacant and abandoned residential properties have become a blight in the City of Niagara Falls and in many similarly situated neighborhoods across New York State because the properties are often boarded up, dilapidated, unsafe, inhabited by squatters or used for criminal purposes; and

WHEREAS, an accumulation in a community of vacant and abandoned residential properties that are not properly secured or maintained for extended periods can cause a marked decline in that community's real estate market and the state's property tax base; and

WHEREAS, there are documented instances of such properties being used by criminals to manufacture and/or distribute illegal drugs, thus leading to an increased likelihood of crime in and around the property and neighboring community; and

WHEREAS, the City of Niagara Falls and similarly situated municipalities across New York State are often forced to expend taxpayer funds to prevent vacant and abandoned residential properties from becoming a public hazard, thereby depleting limited local resources; and

WHEREAS, the City of Niagara Falls and similarly situated municipalities across New York State are often forced to expend taxpayer funds to investigate and determine the ownership, occupancy and foreclosure status of vacant and abandoned residential properties in order to ensure that, where applicable, the mortgagee is complying with current obligations under Federal, State and/or local law to secure and maintain the property, thereby further depleting limited local resources; and

WHEREAS, relevant provisions of existing State law, enacted in 2009, governing the maintenance of abandoned residential properties impose a duty on plaintiff-mortgagees to maintain vacant residential properties only *after* a judgment of foreclosure and sale has been entered by a court; and

WHEREAS, this recent State law has in many instances proven inadequate to address the growing number of vacant and abandoned properties falling into disrepair in the City of Niagara Falls and in many similarly situated municipalities across New York State because many such properties are not subject to a pending foreclosure action, and many that are subject to a pending foreclosure have not proceeded, and will not in the foreseeable future proceed, to a court judgment of foreclosure and sale; and

WHEREAS, there is evidence showing that many current and former New York homeowners have been misled into believing they need to leave their homes earlier in the foreclosure process than the law actually requires, thus resulting in even more vacant and abandoned residential properties throughout our communities; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2015" (A. 06932, S.04781) would help the City of Niagara Falls and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by creating a statewide registry of such properties that can be electronically accessed by such municipalities; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2015" would help the City of Niagara Falls and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by imposing a duty on mortgagees and their loan servicing agents to promptly report these properties to the statewide registry and take earlier, *pre-foreclosure*, action to identify, secure and maintain such vacant and abandoned properties; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2015" would help the City of Niagara Falls and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by providing a much needed and readily available source of information on vacant and abandoned residential properties to local officials throughout the State; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2015" would help the City of Niagara Falls and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by establishing an "Abandoned Property Neighborhood Relief Fund," comprised of civil penalties collected by the Attorney General in enforcement actions under the Act, which Neighborhood Relief Fund monies would be expended by the Attorney General in the form of Enforcement Assistance Grants to counties, cities, towns and villages to assist localities across the State in their own enforcement efforts under the Act; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2015" would help the City of Niagara Falls and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by also establishing a statewide toll-free hotline that community residents can use to report suspected vacant and abandoned properties to the Attorney General and receive information regarding the status of registered properties, including the identity of the mortgagee or agent responsible for maintaining them; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2015" would help the City of Niagara Falls and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by ensuring that homeowners are provided with clear and early notice that they are legally entitled to remain in their homes until ordered to leave by a court.

NOW, THEREFORE, BE IT RESOLVED, that this City Council, by this Resolution, hereby calls on the Governor, the New York State Assembly and the New York State Senate to promptly enact the "Abandoned Property Neighborhood Relief Act of 2015;" and

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit copies of this Resolution to State Senator Robert Ortt, Assemblyman John Ceretto, and Governor Andrew Cuomo.

Yeas

5

Nays

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ADOPTED

RESOLUTION: CITY COUNCIL SECRETARY, APPOINTMENT, 2015-38

BY: COUNCIL CHAIRMAN ANDREW TOUMA, COUNCIL MEMBER CHARLES WALKER

Agenda Item #19

WHEREAS, Section 3.2(e) of the City Charter gives the City Council the authority to appoint its own confidential secretary by the majority vote of the City Council members; and

WHEREAS, the most recent appointee to the office of the City Council confidential secretary has resigned to take another position; and

WHEREAS, this City Council wishes to fill this position.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby appoint Bridgette Myles to serve as its Confidential Secretary effective April 28, 2015.

Yeas

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Nays

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ADOPTED

Chairman Touma said that this person is well qualified for the position.

RESOLUTION: PORTER AVENUE BRIDGE, PAINT PROJECT, 2015-39
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #20

WHEREAS, the Project to Paint the Porter Avenue Bridge over the CSX Railroad, BIN 2039560, in the City of Niagara Falls, Niagara County, PIN 5760.18 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the project PIN 5760.18 .

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

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

RESOLVED, that the Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$2,400 is hereby appropriated from casino funds (in addition to \$46,000 previously appropriated via City Resolution No. 2013-31 adopted on July 8th, 2013, \$15,000 previously appropriated for the project's Preliminary Engineering (Design I-VI) phase, via City Resolution No. 2011-34 adopted on May 2nd, 2011 and \$67,000 previously appropriated for the project's Construction & Construction Inspection phase, via City Resolution No. 2012-91 adopted on November 13th, 2012) and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, \$130,400 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds \$652000, the project's current Total Cost, the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

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

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

RESOLVED, this Resolution shall take effect immediately.

Yeas

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Nays

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ADOPTED

CITY PROPERTY: 1701 PINE AVENUE, ENCROACHMENT/INSTALLATION OF A SIGN

Agenda Item #21

The occupant of 1701 Pine Avenue has requested approval for the installation of a sign that will encroach into the City right-of-way and be located well above ground level. The Planning Board has reviewed this request and has recommended approval of the installation of this sign. The Planning Board's recommendation is attached hereto (on file in the City Clerk's Office) with noted conditions.

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

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CITY PROPERTY: 300 THIRD ST., ENCROACHMENT/RAINFOREST CAFÉ

Agenda Item #33

The Sheraton at the Falls hotel located at 300 Third Street has requested approval for a number of encroachments into the City right-of-way. This is in connection with the development of the Rainforest Café. One encroachment is to allow for the installation of a 7' canopy/trellis and a 6" ornament feature, a 34" - 36" inch sign, and a patio area which will all encroach into the City right-of-way on the south side of the building. The Planning Board has reviewed this request and has recommended approval of these installations as encroachments. Attached is a copy of the Planning Board recommendation. The conditions are as follows:

1. The owner/applicant must obtain all applicable permits and inspections.
2. The owner/applicant will add the City of Niagara Falls as an additional insured on its liability insurance policy.
3. The owner/applicant will agree to defend and indemnify the City from liability related to the encroachment.
4. The City can revoke the license for the encroachment on sixty (60) day's notice.
5. The owner/applicant must comply with any conditions imposed by the City Engineer with regard to sufficient space for pedestrian passage on the sidewalk right-of-way and to insure that no damage occurs to the City's right-of-way.
6. Sidewalk right-of-way and any reconstructed areas in the sidewalk right-of-way made by the owner/applicant shall be maintained by the owner/applicant. Improvements shall be implemented, with evidence of all such improvement provided to the Planning Office, prior to the issuance of any Certificate of Occupancy. All such improvements shall be undertaken by the owner/applicant at their own expense and maintained in accordance with all NYS DOT and City Engineering requirements and approvals.

7. The patio encroachment is to be no greater than 56'-4" by 20'-0"; the depth of the patio shall match the existing TGI Fridays' sidewalk. City Council approval of the patio encroachment is conditional upon Planning Board Site Plan review. All applicable Design District Overlay standards in Zoning Chapter 1319.2 are to be met. The applicant agrees to comply with the sidewalk patio requirements of Zoning Chapter 1321.12.
8. Sidewalk patio requirements mandate that during winter season that the patio will be deconstructed and all furniture, including tables, chairs, umbrellas and planters will be stored indoors.
9. When not in active use, the area will be maintained and clutter free.
10. The applicant must obtain a liquor license extension if liquor is to be served in the sidewalk patio.
11. The applicant shall enter into an encroachment agreement with the City, renewable on an annual basis.

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

Yeas

5

Nays

0

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:0 P.M.

Carol A. Antonucci
City Clerk

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