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**OCTOBER 1, 2015, SPECIAL MEETING**

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

---

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

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

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

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

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

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

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

Yea  
Nays

5  
0

APPROVED

In the Administrative Update, Mayor Paul Dyster:

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

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

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

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

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

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

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

Council Member Choolokian moved to amend the Item.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO AMEND APPROVED

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

Council Member Walker moved to amend the Item.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO AMEND APPROVED

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

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

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

This Session ended at 5:50 PM

Chairman Touma reconvened the Meeting at 6:08 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #1

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

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

Will the Council vote to approve change order number 1 as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

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

Agenda Item #2

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

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

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

NY POWER AUTHORITY, PORTER ROAD PROPERTY, ACQUISITION

Agenda Item #3

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

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

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

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

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

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

Yea

5

Nay

0

APPROVED

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

Agenda Item #4

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

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

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

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

Will the council vote to so approve?

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

Yea

5

Nay

0

APPROVED

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

Agenda Item #5

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

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

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

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

Yea

Nay

5

0

APPROVED

#### RETIREMENT INCENTIVE PROGRAM, CITY EMPLOYEES

##### Agenda Item #6

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

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

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

Will the Council so approve?

Council Member Anderson moved to table the communication.

Yea

Anderson, Choolokian, Walker, Touma

4

Nay

Grandinetti

1

TABLED

#### BUDGET, 2015, POSITIONS REMOVED, FUNDING

##### Agenda Item #7

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

Will the Council so approve?

Council Member Walker moved to table the communication.

Yea

Anderson, Choolokian, Walker, Chairman Touma

4

Nay

Grandinetti

1

TABLED

#### MOU, 76<sup>th</sup> ST., PROPOSED ABANDONMENT

##### Agenda Item #8

The City has received a request from Benderson to abandon the unimproved portion of 76<sup>th</sup> 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 76<sup>th</sup> 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 76<sup>th</sup> 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 76<sup>th</sup> Street. However, City staff believes that the proposals memorialized in the MOU will alleviate issues related to property fronting on Mooradian Drive and also will allow the development of another business in the City of Niagara Falls.

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

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

|     |   |
|-----|---|
| Yea | 4 |
|-----|---|

|   |  |
|---|--|
| Anderson, Grandinetti, Walker, Chairman Touma |  |
|---|--|

|     |   |
|-----|---|
| Nay | 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).

|     |   |
|-----|---|
| Yea | 5 |
|-----|---|

|     |   |
|-----|---|
| Nay | 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.

Yea  
Nays

5  
0

ADOPTED

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

Agenda Item #13

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

REAPPOINTMENTS

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

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

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

Yea  
Nays

5  
0

ADOPTED

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

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

By: Council Member Charles Walker

Agenda Item #14

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

WHEREAS, the objectives of the investment policy are:

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

WHEREAS, the attached investment policy is designed to satisfy these objectives,

NOW THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that it hereby adopts the attached investment policy (on file in the City Clerk's Office.

Yea  
Nays

5  
0

ADOPTED

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

Agenda Item #15

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

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

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

Yea

5

Nays

0

APPROVED

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

Carol A. Antonucci  
City Clerk



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

---

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

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

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

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

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

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

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

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

Council Member Grandinetti moved to add the Communication to the Agenda

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

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

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

Council Member Grandinetti moved to add the communication to the Agenda

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

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

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

Council Member Grandinetti moved to add the Communication to the Agenda

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

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

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

Council Member Grandinetti moved to amend the Item.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO AMEND APPROVED

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

Council Member Grandinetti moved to remove the Item from the Table

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO REMOVE FROM THE TABLE APPROVED

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

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

MOTION TO AMEND APPROVED

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

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

This Session ended at 6:20 PM.

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF DECEMBER 2014

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF DECEMBER 2014

Agenda Item #2  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: OSC-21, SCHOOL DISTRICT, FUNDING

Agenda Item #3  
The 2015 Budget contains an appropriation in the amount of \$10,000.00 to the School District to assist in funding the operation of the OSC-21, public access channel ("OSC"). In order to effectuate this, an appropriation agreement with the School District is required.

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

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

|       |   |
|-------|---|
| Yeads | 5 |
| Nays  | 0 |

APPROVED

CONTRACT: NIAGARA COMMUNITY ACTION PROGRAM, INC., FUNDING

Agenda Item #4

The 2015 Budget contains an appropriation in the amount of \$27,500.00 for the Niagara Community Action Program Inc. so that it may continue to provide assistance to qualified City residents during fiscal year 2015. This will require that the City enter into a Funding Agreement with this entity.

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

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

Yea

5

Nays

0

APPROVED

CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #5

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

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

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

Yea

5

Nays

0

APPROVED

CONTRACT: NIAGARA ARTS & CULTURAL CENTER, FUNDING

Agenda Item #6

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

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

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

Yea

5

Nays

0

APPROVED

CONTRACT: NIAGARA FALLS BLOCK CLUB COUNCIL, FUNDING

Agenda Item #7

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

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

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

Yea

5

Nays

0

APPROVED

CONTRACT: NIAGARA FALLS BEAUTIFICATION COMMISSION, FUNDING

Agenda Item #8

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

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

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

Yea

5

Nays

0

APPROVED

BUDGET, RESERVE FUNDING FOR EXCEEDING TAX CAP

Agenda Item #9

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

Funding is available from Fund Balance.

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

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

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #10

In the past, the City has served as a contractor for the Niagara County Office for the Aging by providing information and assistance services to persons 60 years old or older who meet Office for the Aging eligibility requirements. These services are performed at 1201 Hyde Park Boulevard, Niagara Falls, New York. The City is paid an amount not to exceed \$9,025.00 for these services. The term of the agreement is January 1, 2015 through December 31, 2015.

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

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

Yea

5

Nays

0

APPROVED

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

Agenda Item #11

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

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

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

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

Yea

5

Nay

0

APPROVED

CITY EMPLOYEES, RETIREMENT INCENTIVE PROGRAM

Agenda Item #12

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

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

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

Will the Council so approve?

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

Yea

5

Nay

0

APPROVED

CITY CONTROLLER: REORGANIZATION OF OFFICE

Agenda Item #12A

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

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

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

#### FIRE DEPARTMENT, REORGANIZATION OF OFFICE

Agenda Item #12B

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

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

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

#### PUBLIC WORKS/PARKS, REORGANIZATION OF OFFICE

Agenda Item #12C

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

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

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

CONTRACT: SHERATON HOTEL, EMPLOYEE PARKING PASSES

Agenda Item #13

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

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

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

Yea  
Nays

5  
0

APPROVED

2015 CITY BUDGET, PARKS/PUBLIC WORKS BUDGET, ADJUSTMENT

Agenda Item #14

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

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

Will the Council so approve?

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

Yea  
Nays

5  
0

APPROVED

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

BY: ALL COUNCIL MEMBERS

Agenda Item #15

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

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

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

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

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

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

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

Yea

5

Nays

0

ADOPTED

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

Agenda Item #16

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

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

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

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

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

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

Yea

5

Nays

0

ADOPTED

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

Agenda Item #17

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

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

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

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

Agenda Item #18

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

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

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

|                                      |   |
|--------------------------------------|---|
| Yea<br>Anderson, Grandinetti, Walker | 3 |
| Nays<br>Choolokian, Chairman Touma   | 2 |

TABLED

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

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

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

Agenda Item #19

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

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

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

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

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

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

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

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

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

|     |   |
|-----|---|
| Yea | 4 |
|-----|---|

|  |  |
|--|--|
| Anderson, Choolokian, Walker, Chairman Touma |  |
|--|--|

|     |   |
|-----|---|
| Nay | 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 10<sup>TH</sup> ST.

Agenda Item #20

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

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

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

Yea  
Nays

5  
0

APPROVED

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

Agenda Item #21

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

[103.02 LAW LIBRARY; CUSTODIAN; PENALTY.

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

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

[103.03] 103.02 LOST OR STOLEN PROPERTY.

• • •

[103.05] 103.03 PREPARATION OF PAYROLLS.

• • •

Yea  
Nays

5  
0

ADOPTED

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

Agenda Item #22

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

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

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

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

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

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

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

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

Yea

5

Nays

0

ADOPTED

BUDGET, FUNDING FOR POSITIONS REMOVED

Agenda Item #23

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

Will the Council so approve?

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

Yea

4

Anderson, Grandinetti, Walker, Chairman Touma

Nays

1

Choolokian

APPROVED

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

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

Carol A. Antonucci  
City Clerk



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

---

The first session of the February 2, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:05 P.M. in the Council Chambers.

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

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

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

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

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

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

|     |   |
|-----|---|
| Yea | 4 |
| Nay | 0 |

MOTION TO AMEND APPROVED

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

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

|     |   |
|-----|---|
| Yea | 4 |
| Nay | 0 |

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #11.

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

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

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

This Session ended at 6:15 PM.

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

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

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

#### THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

##### Agenda Item #1

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

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

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

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

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

Yea

Nay

4

0

APPROVED

#### CONTRACT: ENGINEERING SERVICES, CLARK PATTERSON LEE

##### Agenda Item #2

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

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

Will the Council so approve?

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

Yea

Grandinetti, Walker, Chairman Touma

3

Nay

Choolokian

1

APPROVED

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

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

#### NFC DEVELOPMENT CORPORATION, BUSINESS GRANTS/LOANS

##### Agenda Item #3

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

Will the Council so approve?

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

Yea

Grandinetti

Nay

Choolokian, Walker, Chairman Touma

1

3

DEFEATED

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

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

CONTRACT: ASSESSOR/TOWN OF SOMERSET, SHARED SERVICES

Agenda Item #4

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

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

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

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

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

Yea  
Nays

4  
0

APPROVED

CONTRACT: VEHICLE LEASES, ENTERPRISE FLEET MANAGEMENT

Agenda Item #5

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

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

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

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

Will the Council so approve?

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

Yea  
Choolokian, Grandinetti, Walker  
Nays  
Chairman Touma

3  
1

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #6

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

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

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

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

Agenda Item #7

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

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

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

Yea

4

Nays

0

APPROVED

IN REM AUCTION BIDS, APPROVAL

Agenda Item #8

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

With respect to Schedule A properties Ward 9, Pro 3005, Ward 12, Pro 8056, Ward 13, Pro 3380 and Ward 13, Pro 3381, we recommend approval of the bids subject to payment of any delinquent taxes on other properties within 30 days. If the taxes are not paid by that time the bids are rejected and deposits and auctioneer fees forfeited pursuant to the terms of sale.

With the exception of the above, we recommend that the bids for Schedule A properties be approved. The bids for Schedule B properties do not require Council approval and are submitted for your information.

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

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

Yea

4

Nays

0

APPROVED

RESOLUTION; 76<sup>TH</sup> 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 76<sup>th</sup> 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 76<sup>th</sup> Street.

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

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 1 |
| Choolokian                          |   |

ADOPTED

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

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

Agenda Item #10

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

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

Additions are underlined. Deletions are in [brackets].

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

|     |   |
|-----|---|
| Yea | 4 |
| Nay | 0 |

MOTION TO REMOVE FROM TABLE APPROVED

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

Agenda Item #10A

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

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

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

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

Additions are underlined. Deletions are in [brackets].

|     |   |
|-----|---|
| Yea | 2 |
|-----|---|

|                             |  |
|-----------------------------|--|
| Grandinetti, Chairman Touma |  |
|-----------------------------|--|

|     |   |
|-----|---|
| Nay | 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<br>8494 West Rivershore Drive<br>Niagara Falls, New York 14304 | 12/31/2017 |
|--|------------|

|     |   |
|-----|---|
| Yea | 4 |
| Nay | 0 |

APPROVED

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

Carol A. Antonucci  
City Clerk



February 17, 2015

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

---

The first session of the February 17, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:03 P.M. in the Council Chambers.

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

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

Council Member Grandinetti moved to approve the Minutes from the City Council Meetings of January 20 and February 2, 2015.

Yea  
Nays

5  
0

APPROVED

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

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

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

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

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



# City of Niagara Falls, New York

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

City Hall  
745 Main Street

Paul A. Dyster  
Mayor

Website: [www.niagarala.usa.org](http://www.niagarala.usa.org)  
e-mail: [paul.dyster@niagarafallsn.gov](mailto:paul.dyster@niagarafallsn.gov)

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

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

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

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

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

THE WHITE HOUSE

WASHINGTON

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

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

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

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

A handwritten signature in black ink, appearing to read "Barack Obama", is enclosed within a large, roughly circular oval outline.

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

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

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

This Session ended at 6:32 PM

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

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SIDEWALK REPLACEMENT PROJECT, VENTRY CONCRETE CONTRACTING

Agenda Item #3

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

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

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

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

Yea  
Nays

5  
0

APPROVED

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

Agenda Item #4

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

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

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

Will the Council so approve?

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

Yea  
Nays

5  
0

APPROVED

CONTRACT: ICE PAVILION, CONSULTANT SERVICES, DIDONATO ASSOCIATES

Agenda Item #5

A contract for the above reference project was awarded to DiDonato Associates, P.E. of Buffalo on July 21, 2014 for professional services and design related tasks in the amount of \$175,000.00.

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

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

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

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

Will the Council vote to so approve?

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

Yea

3

Grandinetti, Walker, Chairman Touma

Nay

2

Anderson, Choolokian

DEFEATED

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

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

Agenda Item #6

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

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

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

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

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

Yea

3

Grandinetti, Walker, Chairman Touma

Nay

2

Anderson, Choolokian

DEFEATED

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

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

Agenda Item #7

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

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

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

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

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

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

DEFEATED

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

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

Agenda Item #8

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

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

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

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

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

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 2 |
| Anderson, Choolokian                |   |

DEFEATED

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

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

Agenda Item #9

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

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

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

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

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

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 2 |
| Anderson, Choolokian                |   |

DEFEATED

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

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

Agenda Item #10

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

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

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

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

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

Yea

Grandinetti, Walker, Chairman Touma

3

Nay

Anderson, Choolokian

2

DEFEATED

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

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

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #11

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

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

|                         |   |
|-------------------------|---|
| Alvarez, Lorrie         | NFPD  |
| Bragg, James            | Planning Dept.                                    |
| Bosi, Shawn             | NFPD  |
| Caso, John              | DPW   |
| Guiliani, Amy           | NFPD  |
| Myers, Jen              | DPW   |
| Paonessa, Nicholas      | NFPD  |
| Tothill, David          | DPW   |
| Travis, Jane            | Law Dept.   |
| Wasson, Nadine          | City Clerk's Dept.                                |
| <br>                    |   |
| 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       |
| <br>                    |   |
| Frye-Gallaher, Helen K. | 287 West Ave., Lockport, NY                       |
| Godzisz, Stephen        | 1822 Hyde Park Blvd., Niag. Falls, NY 14305       |
| <br>                    |   |
| Gallo, Janet            | 1822 Hyde Park Blvd., Niagara Falls, NY 14305     |
| <br>                    |   |
| Jain, Ragini            | 6700 Lindbergh Ave., Niagara Falls, NY 14304      |
| <br>                    |   |
| James, David            | 4660 Perry Ct., Lewiston, NY 14092                |
| Joyce, James            | 2744 Thornwood Dr., Niagara Falls, NY 14304       |
| <br>                    |   |
| Kelly, Michelle         | 6921 Nash Rd., North Tonawanda, NY 14120          |
| Kephart, Kathy E.       | 6425 Sherman Dr., Lockport, NY 14094              |
| Mameli, Vincent         | 462 77 <sup>th</sup> St., Niagara Falls, NY 14304 |
| Merino, Gail            | 9365 Rivershore Dr., Niagara Falls, NY 14304      |
| <br>                    |   |
| Moore, Allison          | 2653 Porter Rd., Niagara Falls, NY                |
| Muto, Rozanne           | 642 19 <sup>th</sup> 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 <sup>st</sup> 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 <sup>th</sup> St., Niagara Falls, NY 14301  |
| Virtuoso, Dennis  | 2703 Independence Ave., Niagara Falls, NY 14301    |
| Weigel, Jennifer  | 1422 Fort Ave., Niagara Falls, NY 14303            |
| Council Member Choolokian moved that the communication be received and filed and the recommendation approved. |  |
| Yea   | 5  |
| Nay   | 0  |

APPROVED

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

Agenda Item #12

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

APPOINTMENTS

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

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

ADOPTED

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

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

Agenda Item #13

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

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

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

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

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

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

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

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

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

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

Yea  
Nays

5  
0

ADOPTED

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

Agenda Item #14

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

REAPPOINTMENT

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

12/31/2018

Yea  
Nays

5  
0

ADOPTED

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

Agenda Item #15

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

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

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

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO AMEND APPROVED

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

ADOPTED

RESOLUTION: ICE PAVILION BONDS, RECONSTRUCTION/CONSTRUCTION

BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #16

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

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

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

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

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

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

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

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

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

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

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

Yea

3

Grandinetti, Walker, Chairman Touma

2

Nay

Anderson, Choolokian

DEFEATED

**RESOLUTION FAILED-NEEDS 4 YEA VOTES TO PASS**

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

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

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

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

Agenda Item #17

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

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

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

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

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

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

Yea  
Nays

5  
0

ADOPTED

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

Carol A. Antonucci  
City Clerk



March 9, 2015

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

---

March 5, 2015

Members of the City Council  
and  
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Monday, March 9, 2015 at 3:45 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

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

Respectfully submitted,

---

Andrew Touma, Council Chair

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: ICE PAVILION, CONSULTANT SERVICES, DIDONATO ASSOCIATES

Agenda Item #1

A contract for the above reference project was awarded to DiDonato Associates, P.E. of Buffalo on July 21, 2014 for professional services and design related tasks in the amount of \$175,000.00.

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

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

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

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

Will the Council vote to so approve?

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

|      |   |
|------|---|
| 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. | \$94,800.00     |
| 413 103 <sup>rd</sup> St.   |                 |
| Niagara Falls NY 14304      |                 |
| <br>Mollenberg Betz, Inc.   | \$108,100.00    |
| <br>Ackerman Plumbing, Inc. | \$119,545.00    |
| <br>Danforth                | \$132,300.00    |

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

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

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

|     |          |
|-----|----------|
| Yea | 5        |
| Nay | 0        |
|     | APPROVED |

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

Agenda Item #3

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

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

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

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

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

|     |          |
|-----|----------|
| Yea | 5        |
| Nay | 0        |
|     | APPROVED |

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

Agenda Item #4

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

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

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

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

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

Agenda Item #5

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

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

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

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

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

Agenda Item #6

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

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

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

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

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

BY: COUNCIL CHAIRMAN ANDREW TOUMA, COUNCIL MEMBER ROBERT ANDERSON

Agenda Item #7

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

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

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

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

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

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

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

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

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

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

ADOPTED

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

Carol A. Antonucci  
City Clerk



March 2, 2015

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

---

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

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

Absent: Council Member Robert Anderson

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

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

Yea

Nay

4

0

APPROVED

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

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

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

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

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

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

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

|      |   |
|------|---|
| Yea  | 4 |
| Nays | 0 |

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #20.

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

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

|      |   |
|------|---|
| Yea  | 4 |
| Nays | 0 |

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #21.

This Session ended at 7:20 PM.

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

The Prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SKATE PARK DESIGN, SPOHN RANCH SKATEPARKS

Agenda Item #1

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

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

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

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

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

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

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

Yea  
Nays

4  
0

APPROVED

COMMUNITY DEVELOPMENT: DEMOLITION FUNDS, TRANSFERRING

Agenda Item #2

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

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

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

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

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

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

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

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

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

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

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

Yea  
Nays

4  
0

APPROVED

#### ITALIAN FESTIVAL, FUNDING

##### Agenda Item #3

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

Funding is available from Tourism Fund Balance.

Will the Council so approve?

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

Yea  
Nays

4  
0

APPROVED

PUBLIC WORKS: SENIOR STOREKEEPER POSITION, RESTORATION

Agenda Item #4

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

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

Will the Council so approve?

Council Member Walker moved that the communication be Tabled.

Yea

4

Nays

0

TABLED

425 THIRD STREET, PURCHASE

Agenda Item #5

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

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

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

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

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

Yea

4

Nays

0

APPROVED

SWEET TEAM: FUNDING FOR BALANCE OF BUDGET

Agenda Item #6

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

CONTRACT: ICE PAVILION, CONSULTANT SERVICES, DIDONATO ASSOCIATES

Agenda Item #7

A contract for the above reference project was awarded to DiDonato Associates, P.E. of Buffalo on July 21, 2014 for professional services and design related tasks in the amount of \$175,000.00.

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

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

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

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

Will the Council vote to so approve?

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

Yea

3

Grandinetti, Walker, Chairman Touma

Nay

1

Choolokian

DEFEATED

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

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

Agenda Item #8

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

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

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

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

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

Yea

3

Grandinetti, Walker, Chairman Touma

Nay

1

Choolokian

DEFEATED

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

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

Agenda Item #9

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

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

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

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

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

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 1 |
| Choolokian                          |   |

DEFEATED

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

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

Agenda Item #10

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

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

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

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

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

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 1 |
| Choolokian                          |   |

DEFEATED

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

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

Agenda Item #11

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

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

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

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

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

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 1 |
| Choolokian                          |   |

DEFEATED

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

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

Agenda Item #12

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

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

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

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

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

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 1 |
| Choolokian                          |   |

DEFEATED

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

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

Agenda Item #13

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

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

Funding will be available from Casino funds.

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

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

|      |   |
|------|---|
| Yea  | 4 |
| Nays | 0 |

APPROVED

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

Agenda Item #14

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

|                                |            |
|--------------------------------|------------|
| J.R. Swanson Plumbing Co. Inc. | \$9,100.00 |
| 413 103 <sup>rd</sup> Street   |            |
| Niagara Falls NY 14304         |            |

Funding will be available from Casino funds.

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

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

|      |   |
|------|---|
| Yea  | 4 |
| Nays | 0 |

APPROVED

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

Agenda Item #15

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

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

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

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

|      |   |
|------|---|
| Yea  | 4 |
| Nays | 0 |

APPROVED

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

Agenda Item #16

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

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

Funding will be available from Casino funds.

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

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

|     |   |
|-----|---|
| Yea | 4 |
| Nay | 0 |

APPROVED

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

Agenda Item #17

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

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

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

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

|     |   |
|-----|---|
| Yea | 4 |
| Nay | 0 |

ADOPTED

RESOLUTION: 76<sup>TH</sup> 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 76<sup>th</sup> 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 76<sup>th</sup> Street, north of Niagara Falls Boulevard, is hereby abandoned, the said abandoned street portion subject, however, to reservation of right of and for the City of Niagara Falls, the Niagara Falls Water Board and any utility companies, their successors and assigns to use, maintain, repair, replace and continue to maintain their services and operations in said abandoned street. The said street portion is bounded and described as follows:

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

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

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

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

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

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

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

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

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

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

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 1 |
| Choolokian                          |   |

ADOPTED

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

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

Agenda Item #19

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

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

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

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

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

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

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

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

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

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

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

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nays                                | 1 |
| Choolokian                          |   |

DEFEATED

**RESOLUTION FAILED-NEEDS 4 YEA VOTES TO PASS**

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

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

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY CORPORATION COUNSEL

IN REM AUCTION, REJECT BID

Agenda Item #20

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

Will the Council so approve?

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

Yea

4

Nays

0

APPROVED

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

Agenda Item #21

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

REAPPOINTMENT TERM EXPIRES:

|   |            |
|---|------------|
| Perry Jost<br>327 Buffalo Avenue<br>Niagara Falls, NY 14303 | 12/31/2015 |
|---|------------|

APPOINTMENT TERM EXPIRES:

|  |            |
|--|------------|
| Denise Easterling<br>1306 Willow Avenue<br>Niagara Falls, NY 14305 | 12/31/2015 |
|--|------------|

Yea

4

Nays

0

ADOPTED

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

Carol A. Antonucci  
City Clerk



March 16, 2015

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

---

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

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

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

Council Member Choolokian moved to approve the Minutes from the City Council Meeting of March 2, 2015 and the Special Meeting of March 9, 2015.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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, alongwith the sidewalks around the shelters. The Mayor will look into this.

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

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

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #18.

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #19.

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

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

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

This Session ended at 6:50 PM.

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF FEBRUARY 2015

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF FEBRUARY 2015

Agenda Item #2  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

SWEET TEAM: BUDGET, FUNDING FOR BALANCE

Agenda Item #3

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

Will the Council so approve?

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

|     |   |
|-----|---|
| Yea | 2 |
|-----|---|

|                             |   |
|-----------------------------|---|
| Grandinetti, Chairman Touma | 3 |
|-----------------------------|---|

|     |  |
|-----|--|
| Nay |  |
|-----|--|

|                              |          |
|------------------------------|----------|
| Anderson, Choolokian, Walker | DEFEATED |
|------------------------------|----------|

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

## Agenda Item #4

The City Council approved the Fiscal Year 2015 Consolidated Annual Plan in November 2014. The Consolidated Annual Plan included the Community Development Block Grant (CDBG) Program, HOME, and Emergency Solutions Program (ESG); all funded through annual Department of Housing and Urban Development (HUD) allocations. These budgets were presented to the City Council in draft form, based on estimate, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final Fiscal Year 2015 allocations were approved on February 10, 2015. Cumulatively, the city's final CDBG, HOME and ESG allocation is \$16,369 or 0.59 percent lower than the \$2,775,199 budget previously presented to the community and approved by the City Council. The individual programs are affected as follows:

## Draft vs. Actual

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

## Year over Year

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

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

## CDBG

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

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

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

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

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

**ESG**

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

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

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

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

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

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

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

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

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

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

Yea  
Nays

5  
0

APPROVED

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

Agenda Item #5

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

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

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

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

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

CONTRACT: POTHOLE KILLERS, PATCH MANAGEMENT INC.

Agenda Item #6

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

Funding is available from casino revenues.

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

PUBLIC WORKS: ZOOM TEAM 2015 BUDGET

Agenda Item #7

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

Funding is available from casino revenues.

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

PUBLIC WORKS: ZIPPER MATERIAL, FUNDING

Agenda Item #8

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

Funding is available from casino revenues.

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

POLICE: DESK OFFICER ONLINE REPORTING SYSTEM, FUNDING

Agenda Item #9

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

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

Funding is available from Account Code H0911.2009.0911.0250.007.

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

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

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

Yea

5

Nays

0

APPROVED

CORPORATION COUNSEL: REORGANIZATION/CLASS UPGRADE

Agenda Item #10

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

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

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

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

Yea

5

Nays

0

APPROVED

## Agenda Item #11

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

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

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: DAVIS, IV, JAMES

## Agenda Item #12

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

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

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

|     |          |
|-----|----------|
| Yea | 5        |
| Nay | 0        |
|     | APPROVED |

Agenda Item #13

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

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

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

Yea

5

Nay

0

APPROVED

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

BY: ALL COUNCIL MEMBERS

Agenda Item #14

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

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

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

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

Yea

5

Nay

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  
824 Maple Avenue  
Niagara Falls, NY 14305

12/31/2015

Yea  
Nays

5  
0

ADOPTED

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

Agenda Item #16

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

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

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

Yea  
Nays

5  
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.

Yea  
Nays

5  
0

ADOPTED

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

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

Agenda Item #18

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

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

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

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

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

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

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

Yea

5

Nays

0

ADOPTED

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

Agenda Item #19

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

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

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

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

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

Yea

5

Nays

0

ADOPTED

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

Carol A. Antonucci

City Clerk

76



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

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

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

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

Council Member Walker moved to approve the Minutes from the City Council Meeting of March 16, 2015.

Yea

Nay

5

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

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

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

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

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

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

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

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

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

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

This Session ended at 6:55 PM

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

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #1

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

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

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

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

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

Yea  
Nays

5  
0

APPROVED

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

Agenda Item #2

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

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

FOR: Sale of approximately 37,785 tons of street millings generated during the 2015 paving season: \$ .85/ton

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eight (8) vendors. Three (3) bids were received. The above referenced company submitted the highest price for the millings. The two (2) other bids that were received were from Armand Cerrone at \$.79/ton, and from LaFarge North America at \$.00/ton, but offering the City the option of a free dumpsite at their Niagara quarry.

Will the Council so approve?

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

Yea  
Nays

5  
0

APPROVED

CONTRACT: MEALS FOR PRISONERS, MCDONALD'S

Agenda Item #3

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

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

FOR: Meals for prisoners at the Municipal Services Building:

|                        |         |
|------------------------|---------|
| Breakfast (est. 3,000) | \$ 1.00 |
| Lunch (est. 6,700)     | \$ 1.65 |
| Supper (est. 2,200)    | \$ 1.65 |

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

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

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

Will the Council so approve?

Council Member Anderson moved To Table the communication.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

TABLED

Council Member Grandinetti said the City should support local businesses.

GOOD NEWS GOSPEL FESTIVAL/HEALTH FAIR, FUNDING

Agenda Item #4

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

Funding is available from Tourism Fund balance.

Will the Council so approve?

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

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

APPROVED

COMMUNITY DEVELOPMENT: ASSISTANT HOUSING PROGRAM COORDINATOR, CREATION

Agenda Item #5

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

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

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

Will the Council vote to approve the creation of the Assistant Housing Program Coordinator as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yea

5

Nay

0

APPROVED

NEW JERUSALEM BOY'S REPORTING CENTER, GRANT EXTENSION

Agenda Item #6

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

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

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

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

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

Will the Council vote to approve the New Jerusalem Boys Reporting Center grant to include 2015 operating expenses as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yea

5

Nay

0

APPROVED

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

CONTRACT: BUFFALO AVENUE RECONSTRUCTION PROJECT, CATCO

Agenda Item #7

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

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

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

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

Yea

5

Nay

0

APPROVED

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

Agenda Item #8

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

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

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

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

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

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

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

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

#### AQUARIUM OF NIAGARA, GRANT

##### Agenda Item #9

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

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

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

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

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

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

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

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

#### SWEET TEAM: BUDGET, FUNDING FOR BALANCE

##### Agenda Item #10

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

Will the Council so approve?

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

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

AMENDMENT APPROVED

Council Member Walker moved to approve the communication as amended.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

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

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

Agenda Item #11

WHEREAS, Niagara Falls High School will hold its 2015 graduation ceremony on June 27, 2015 from 12:00 - 2:00 p.m., and its rehearsal ceremony on Thursday, June 25, 2015 from 8:30 - 12:00 p.m.,  
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls does hereby waive parking fees in the Third Street City parking lot and downtown parking ramp for persons attending the Niagara Falls High School graduation and rehearsal events, scheduled for June 27, 2015 from 12:00 - 2:00 p.m., and Thursday, June 25, 2015 from 8:30 - 12:00 p.m., respectively.

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

ADOPTED

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

Agenda Item #12

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

WHEREAS, Senator Robert Ortt introduced Senate Bill No. S3115 and Assemblyman John Ceretto introduced Assembly Bill A3640, (on file in the City Clerk's Office) as annexed hereto, which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area in furtherance of projects to attract new investment in said downtown area; and

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

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S3115 and Assembly Bill A3640, entitled "An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls", and this Council declares that a necessity exists for the enactment of such legislation; and

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

ADOPTED

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

Agenda Item #13

BE IT RESOLVED, THAT THE FOLLOWING INDICIDUAL 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  
104 101<sup>st</sup> Street  
Niagara Falls, NY 14304

12/31/15

|         |   |
|---------|---|
| Yea     | 5 |
| Nay     | 0 |
| ADOPTED |   |

COMMUNITY DEVELOPMENT: 631 CHILTON AVE. AND 515 25<sup>TH</sup> 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 25<sup>th</sup> Street. The Director also advises that Wells Fargo Bank is offering the City a \$40,000 grant to assist in the renovation of these properties. The municipal purpose to accept these donations is to convert vacant properties into viable properties to encourage homeownership and encourage market rate investment. The acceptance of these donations would also be to prevent them from becoming "zombie" properties, which could remain vacant and blighted for many years to come.

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

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

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

|          |   |
|----------|---|
| Yea      | 5 |
| Nay      | 0 |
| APPROVED |   |

2440 CLEVELAND AVENUE, SALE

Agenda Item #15

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

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

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

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

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

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

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

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

Yea  
Nays

5  
0

APPROVED

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

Carol A. Antonucci  
City Clerk

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

Agenda Item #18

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

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

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

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

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

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

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

Yea

5

Nays

0

ADOPTED

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

Agenda Item #19

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

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

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

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

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

Yea

5

Nays

0

ADOPTED

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

Carol A. Antonucci

City Clerk

76



**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.

Yea  
Nays

5  
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.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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).

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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 | \$ 1.00 |
| (est. 3,000)   |           |         |
| 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.

|   |   |
|---|---|
| Yea   | 4 |
| Choolokian, Grandinetti, Walker, Chairman Touma |   |
| Nay   | 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:

| <u>CONTRACTOR</u>  | <u>BASE BID</u> |
|--|-----------------|
| Yarussi Construction Inc.<br>5650 Simmons Ave.<br>Niagara Falls NY 14304 | \$445,400.00    |
| 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.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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.

Yea

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.

Yea

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.

Yea

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.

|   |   |
|---|---|
| Yea                                       | 4 |
| Anderson, Choolokian, Grandinetti, Walker |   |
| Nay                                       | 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.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

616 27<sup>TH</sup> 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 27<sup>TH</sup> STREET

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

Submitted By: Louise Gilmer, 616 27<sup>TH</sup> 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.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

620 23<sup>RD</sup> 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 23<sup>RD</sup> STREET

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

Submitted By: Franklin Bedgood, 620 23<sup>RD</sup> 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.

Yea  
Nays

5  
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.

Yea  
Nays

5  
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.

Yea  
Nays

5  
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.

Yea  
Nays

5  
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.

Yea  
Nays

5  
0

APPROVED

WALNUT AVE. BETWEEN 4<sup>TH</sup> ST/5<sup>TH</sup> 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 4<sup>TH</sup> STREET & 5<sup>TH</sup> 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.

Yea  
Nays

5  
0

APPROVED

79<sup>TH</sup> ST & GIRARD AVE/80<sup>TH</sup> 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 80<sup>TH</sup> STREET & LINDBERG AVENUE

Submitted By: City Council Chairman Andrew Touma, on behalf of Keith Renford, 503 80<sup>TH</sup> 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.

Yea  
Nays

5  
0

APPROVED

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

BUFFALO AVE/57<sup>TH</sup> ST. THROUGH 63<sup>RD</sup> ST, 56<sup>TH</sup> 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 63<sup>RD</sup> STREET AND THE INTERSECTION OF 56<sup>TH</sup> 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.

Yea  
Nays

5  
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.

Yea  
Nays

5  
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.<br>2368 Maryland Ave.<br>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.

|      |   |
|------|---|
| Yea  | 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.

|      |   |
|------|---|
| Yea  | 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, New York 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.

Yea  
Nays

5  
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**

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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.

Yea  
Nays

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0

APPROVED

Father Slavomir Siok was honored by the Council on the occasion of the 25<sup>th</sup> 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 25<sup>th</sup> 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 27<sup>th</sup> 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 77<sup>th</sup> Streets and Independence Avenue, and the Mayor responded that there was not. Chairman Touma said that he had spoken to Water Board Director Paul Dros, who informed him that digging on 72<sup>nd</sup> and 77<sup>th</sup> 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.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 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 4<sup>th</sup>, and the City's display is a family event that is held on the 4<sup>th</sup>, 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 <sup>rd</sup> & 4 <sup>th</sup> & Ferry & Walnut needs repairs; garbage issue; YMCA Closing |
| Jason Chilcote    | Roads that need repairs & 8 <sup>th</sup> & 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.

Yea

Nay

5

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.

Yea

Anderson, Choolokian, Grandinetti, Walker

Nay

Chairman Touma

4

1

APPROVED

Chairman Touma said that the 4<sup>th</sup> 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 4<sup>th</sup> of July.

CONTRACT: LANDSCAPING OF MEDIAN, 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.

Yea

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Nay

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.

Yea

5

Nay

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.

Yea  
Nays

5  
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.

Yea  
Nays

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0

APPROVED

PUBLIC WORKS: 91<sup>ST</sup> POOL, SWIMMING POOL FILTER VALVES REPAIR, FUNDING

Agenda Item #7

Repair work must be performed on filter valves at the 91<sup>st</sup> 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.

Yea

5

Nay

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.

Yea

5

Nay

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 100<sup>th</sup> 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.

|     |   |
|-----|---|
| Yea | 3 |
|-----|---|

|                                     |  |
|-------------------------------------|--|
| Grandinetti, Walker, Chairman Touma |  |
|-------------------------------------|--|

|     |   |
|-----|---|
| Nay | 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.

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|-----|---|
| Yea | 5 |
|-----|---|

|     |   |
|-----|---|
| Nay | 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.

|     |   |
|-----|---|
| Yea | 5 |
|-----|---|

|     |   |
|-----|---|
| Nay | 0 |
|-----|---|

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.

Yea  
Nays

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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 5<sup>th</sup>, 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 25<sup>th</sup> Anniversary of his ordination to the priesthood, and wishes him many happy years of service to come.

Yea  
Nays

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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.

Yea

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Nays

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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.

Yea

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Nays

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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..

Yea

4

Anderson, Choolokian, Walker, Chairman Touma

Nay

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 26<sup>th</sup> 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.

Yea

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Nay

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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.

Yea  
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.

Yea  
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 8<sup>th</sup>, 2013, \$15,000 previously appropriated for the project's Preliminary Engineering (Design I-VI) phase, via City Resolution No. 2011-34 adopted on May 2<sup>nd</sup>, 2011 and \$67,000 previously appropriated for the project's Construction & Construction Inspection phase, via City Resolution No. 2012-91 adopted on November 13<sup>th</sup>, 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.

Yea

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Nay

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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.

Yea  
Nays

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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.

Yea  
Nays

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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



**MAY 11, 2015**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The first session of the May 11, 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, and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of April 27, 2015.

Yea

Nay

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APPROVED

In the Administrative Update, Mayor Paul Dyster spoke on Events relating to "Bike to Work Week", and the streets included in the 2015 Paving Program. Chairman Touma added that the use of the Pothole Killer had started this week.

Chairman Touma reported that he and the Mayor had met with Water Board Director Paul Drost on the issue of the frozen water lines. Preliminary work will begin on 72<sup>nd</sup> Street where test holes will be dug, and Independence Avenue will be addressed next. Chairman Touma asked that the Mayor keep the Council updated on the process.

City Administrator Donna Owens spoke on the parking meters in the downtown area, noting that there was an Item on today's Agenda (Agenda Item #4) for the purchase of the meters. She said that once the meters are installed, City staff will be trained on maintaining the meters until an RFP is prepared and a contract awarded to an operator to oversee the parking program. She said that the process will take 8 - 10 weeks after the approval to purchase the meters, and they will not be in place in time for the Memorial Day holiday. Council Member Walker said that the Council needs more information before approving the purchase of the meters, and Council Member Choolokian asked for a Presentation to the Council on the Parking Meter Plan. City Controller Maria Brown added that parking revenues had been increased in the 2015 Budget in anticipation of parking meters being in place, and a lengthy discussion followed.

Community Development Director Seth Piccirillo spoke on the Isaiah 61 Program, and said that, to date, \$137,000 had been spent over a three year period on the Program. He added that he felt it was a worthwhile Program that provided much needed job training to provide workers for all the construction projects that were going on in the City. He also said that only one bid was received for the roof repair for the former Highland Avenue Fire Hall (Agenda Item #5).

Acting Director of Planning, Environmental and Economic Development Thomas DeSantis, along with Wendel Project Manager Susan Sherwood, gave an update on the progress of the Train Station. They noted that there are still funds left in the Contingency Account for the Project.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #12, and three Items to be added to the Agenda.

1. An Amendment to Agenda Item #12 to adjust the salary of the HR Assistant.

Council Member Grandinetti moved to amend the Item by adjusting the salary of the HR Assistant.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

MOTION TO AMEND APPROVED

2. A Resolution to be added to the Agenda relative to declaring May 2015 as "Bike Month".

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

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #19.

3. A Resolution relative to waiver of fees for use of the Hyde Park Oasis by LaSalle Preparatory School.

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

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #20.

4. A communication relative to approval of transfer of funds from the N.F. Railway Station Project for Purchase Order request from National Grid.

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

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #21.

This Session ended at 7:07 PM

Chairman Touma reconvened the Meeting at 7:21 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

|                  |  |
|------------------|--|
| Ron Anderluh     | Agenda Items #4, #6, #17   |
| Diane Tattersall | Agenda Item #4   |
| Robert Ventry    | Agenda Items #4, #13   |
| Henry Krawczyk   | Agenda Items #4, #8, #12, #13  |
| Ron Anderluh     | Speakers should be prepared when addressing the Council                                    |
| Tracy Greene     | Property conditions  |
| Robert Ventry    | Condition of In Rem properties; sidewalk conditions; acting DPW Director doing a great job |

|                 |   |
|-----------------|---|
| Henry Krawczyk  | Lack of information on Agenda Items; parking<br>Ticket received |
| Anthony Casilio | Keep YMCA programs  |

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FAÇADE PROGRAM ARCHITECT, GUISIANA ARCHITECTS & ENGINEER

Agenda Item #2

Under the business façade program, the City hires an architect and provides architectural services to the business owner. The current façade architect agreement between the City and Giusiana Architects and Engineer was for two years and is due to expire on May 31, 2015. The Community Development Department solicited proposals from area architects. The proposals set out on the attached schedule (on file in the City Clerk's Office) were received by the date the replies were due. Community Development received a late response, which was not lower than the recommended proposal. The late response is not listed on the attached schedule.

The proposal from Giusiana Architects & Engineer provides the lowest cost in every category of service for the program. In the past, Giusiana Architects & Engineer has provided timely, professional service to the City at a reasonable cost.

The contract will be awarded for two years, through May 31, 2017. The maximum payable under the contract will be \$40,000.00. The services are provided on an as needed basis, upon request from the Community Development Department. Funds are available to pay this contract under budget code CRC .499 (CD1.8603.0000.0450.500). Services will be paid partly from future year's CDBG grants.

It is recommended that the façade architect agreement as set forth herein be awarded to Giusiana Architects & Engineer. The contractor will provide standard City insurance for the work.

Will the Council vote to approve the award of the façade architect services contract as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yea  
Nays

5  
0

APPROVED

CONTRACT: CD HOUSING REHAB ENVIRONMENTAL SERVICES, UNYSE

Agenda Item #3

The Community Development Department provides environmental services for its housing rehabilitation program, at no cost to the homeowner. The services include lead paint identification and removal monitoring and asbestos identification and monitoring. The City retains an environmental services contractor to provide these services for the Community Development program. The contractor is paid with federal CDBG funds.

In 2013, the Community Development obtained proposals from three contractors, and awarded the contract to UNYSE, which submitted the lowest proposal. Upper New York State Environmental (UNYSE), a division of Environmental Education Associates, Inc. has been providing satisfactory services under the 2013-2015 contract. The contract expires June 30, 2015.

It has been customary for Community Development to extend these types of services contracts for an additional two year term without soliciting new proposals. It is recommended that the UNYSE contract be extended through June 30, 2017. The maximum payable under the contact will be \$50,000.00. Funds are available to pay for the services from budget line CRP (CD1.8667.0000.0450.500). This is a pay as you go contract, so the cost will be spread over the three budget years.

Will the Council vote to award the extension of the environmental services contract to UNYSE for the Community Development housing rehab program as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yea  
Nays

5  
0

APPROVED

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

Agenda Item #4

The following were the result of bids received on March 13, 2015 for the above referenced project:

| <u>CONTRACTOR</u>  | <u>BASEBID</u> |
|--|----------------|
| Pure Parking Technologies  | \$256,511.00   |
| Ber-National Automation, Inc.<br>1137 East Main Street<br>Rochester NY 14609 | \$258,950.00   |
| Cale America   | \$320,833.00   |
| T2 Systems   | \$321,598.81   |

After a thorough review of all the participants' proposals, qualifications and submittal information, it was determined - by both the City and its parking system consultant, Desman Associates - that the firm Ber-National Automation, Inc. was the lowest qualified and responsible bidder. To that end, it is the recommendation of the undersigned that this project be awarded to Ber-National Automation, Inc. at their total bid of \$258,950.00. Funding will be made available from H1316.2013.1316.0449.599.

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

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

Yea  
Grandinetti  
Nays

Anderson, Choolokian, Walker, Chairman Touma

DEFEATED

Council Member Choolokian said he has voted against this Project in the past so he is voting No.

Council Member Walker said Council needs more information before approving this Project.

Chairman Touma said that the Council needs more information and a Plan in place for this Project.

CONTRACT: ROOF REPLACEMENT, HIGHLAND AVE. FIREHALL, JOSEPH A. SANDERS & SONS, INC.

Agenda Item #5

The following was the result of bids received on May 4, 2015, for the above referenced project:

| CONTRACTOR   | BASE BID      |
|--|---------------|
| Joseph A. Sanders & Sons, Inc<br>107 Lathrop St<br>Buffalo, NY 14212 | \$ 168,872.00 |

It is the recommendation of the undersigned that this project be awarded to the sole bidder Joseph A. Sanders & Sons, Inc., at their Base Bid \$168,872.00. Funding is available in code H1510.2015.1510.0449.599 transferred from the \$500,000.00 in Casino funds that were previously approved by Council at its September 15, 2014 meeting.

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

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

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 2 |
| Anderson, Choolokian                |   |

APPROVED

HOMESTEAD & NON-HOMESTEAD ASSESSMENT ROLL, CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS

Agenda Item #6

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached (on file in the City Clerk's Office) referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached percentages and proportions?

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

PUBLIC WORKS: TRADES/TRAFFIC ENGINEERING, OVERTIME, FUNDING

Agenda Item #7

The Acting Director of the Department of Public Works advises that because of some unanticipated situations, the overtime lines for Trades and Traffic Engineering have been nearly depleted. The Acting Director is therefore recommending that the overtime budget for Trades (A.1620.2350.0140.000) be funded in the amount of \$9,200.00, inclusive of FICA, and that the Traffic Engineering line (A.3310.0000.0140.000) be funded in the amount of \$4,500.00, inclusive of FICA.

This total amount of \$13,700.00, inclusive of FICA, is available from Tourism fund balance (2014).

Will the Council so approve?

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

Chairman Touma explained that there was a harsh winter and issues at the Ice Rink which caused the need for overtime.

NFC DEVELOPMENT CORP., VARIOUS ACTIVITES, FUNDING

Agenda Item #8

It is desirable that the NFC Development Corporation be able to continue its various economic development activities including making grants and loans. In order to do so, funds must be transferred from the City to NFC Development Corporation. It is requested that the amount of \$670,000.00 be transferred for this purpose.

Funding is available through casino revenues.

Will the Council so approve?

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

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 1 |
| Choolokian                          |   |
| Abstain                             | 1 |
| Anderson                            |   |

APPROVED

Council Member Choolokian said he has not attended NFC meetings in a few years and the process needs to be overhauled to provide a safety net for the City's money.

Chairman Touma said NFC has many Projects in the pipeline and NFC approves Projects before they are submitted to Council for approval.

NFC OPERATING BUDGET, FUNDING

Agenda Item #9

It is requested that the Council appropriate of \$26,678.00 of casino funds (Tribal Fund) for the 2015 NFC budget. This is for NFC operating costs including the cost of the annual audit.

Will the Council so approve?

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

CONTRACT: NTCC, PARKING SPACES

Agenda Item #10

The NTCC is requesting that the City allow the NTCC the use of 25 unrestricted parking spaces/permits in the City-owned lot located at the corner of 1<sup>st</sup> Street and Rainbow Boulevard. The NTCC is proposing to pay the City the sum of \$40 per month per space/permit which equals the sum of \$1,000 a month. This is the current market rate.

It is proposed that this agreement be for a thirty-six (36) month period of time, with the ability of either party to terminate the same on thirty days prior written notice. The NTCC is also requesting that persons attending meetings at the NTCC offices be permitted to park in one of their 25 spaces/permits should the capacity for such parking exist at that time.

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

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

SHERATON HOTEL, REACTIVATION OF TUNNEL BENEATH 3<sup>RD</sup> ST

Agenda Item #11

The entity that owns the Sheraton at the Falls Hotel located at 300 3<sup>rd</sup> Street, Niagara Falls, NY has requested that the City allow the tunnel that runs underneath 3<sup>rd</sup> Street to be reactivated. This tunnel has not been utilized for at least then (10) years. The Sheraton has agreed to assume responsibility for the installation of public safety improvements, cosmetic improvements as well as security and janitorial services. The Sheraton will provide the City with insurance and also agree to indemnify and hold the City harmless. The Sheraton has also provided the City with an opinion from a professional engineering consultant who has opined as to the structural integrity of the tunnel.

The Sheraton has asked the city for an easement allowing it to utilize this tunnel. The Seneca Nation of Indians has been advised of the Sheraton's interest in reopening this tunnel and has verbally advised that it is neither supportive nor opposed to this initiative on the part of the Sheraton.

Will the Council so approve this requested easement and authorize the Mayor to execute an Easement Agreement satisfactory to the Corporation Counsel?

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

Yea

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Nay

0

APPROVED

HUMAN RESOURCE DEPT., REORGANIZATION

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, 2015, pursuant to criteria established by the City of Niagara Falls and the New York State Retirement System. The incentive amount if \$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 6<sup>th</sup> through December 31, 2014. Attached (on file in the City Clerk's Office) is a proposed reorganization of the Human Resources Department which is made possible as a result of some of these retirements. Where possible, positions have been eliminated or downgraded to maximize savings that will be allocated towards fulfillment of incentive obligations while maintaining essential services.

Will the Council so approve?

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

Yea

5

Nay

0

APPROVED

Chairman Touma said that this reorganization results in a savings for the Department.

CONTRACT: TRAIN STATION PROJECT, SCRUFARI CONSTRUCTION CO.

Agenda Item #13

A contract for the above referenced project was awarded to Scrufari Construction Company Inc., 4800 Hyde Park Blvd. 3925 Hyde Park Blvd., Niagara Falls, NY, on April 14, 2014 in an amount of \$22,691,000.00. Council has already approved change orders bringing the contract total to \$23,139,379.00.

During the last (5) five months of work, conditions within the project area required various (Change Request) revisions for unanticipated and necessary work beyond the original scope and various credits. These Change Requests have been reviewed by the City's consultant Wendel and the Engineering Department and all additional work required to date, beyond the original scope and credits to the City are shown below:

Also the City and its consultant have been watching the project budget closely through a project budget status reporting process. Through the 4/30/15 report, we were approximately 35% of the way through construction and have appropriated only 14% of the City's \$1,473,300 contingency allowance. At this stage of the project, we have completed nearly all of the foundations for the station addition and platform and are nearly complete with erecting steel for the station addition. As such, we are nearly "out of the ground" and believe we are in a very good position to accept adding back critical Alternates No. 4, 5 & 8, which were Value Engineered out of the project.

|  |  |               |
|--|--|---------------|
| 002  | Credit Ballast                                     | (\$3,000.00)  |
| 003  | Credit for Rail Material                           | (\$6,600.00)  |
| 007a                                       | Credit Stone Pavement Road Revisions               | (\$11,291.00) |
| 016  | Bridge Backwall Remediation                        | \$10,466.00   |
| 017  | Credit Catch Basin without Traps                   | (\$6,252.20)  |
| 018  | Duress System                                      | \$7,056.25    |
| 019  | Fire Fighter Phones                                | (\$5,787.00)  |
| 021  | Power in Data Room 211                             | \$835.00      |
| 023  | Addition Hand holes for Fire Pump Feeder           | \$2,173.00    |
| 024  | Remove unstable customhouse concrete floor topping | \$2,771.00    |
| Alternate No. 4 & 5- Add Terrazzo Flooring |  | \$127,000.00  |
| Alternate No. 8- Add Aluminum Roof         |  | \$44,000.00   |

The funding for Change Order #3 is a transfer of funds from the "Owners" additional construction contingency budget (within the existing project budget) to the Contractor's budget. The Owner's contingency fund includes matching Federal, State and City's local-share funding (20% matching funds) already approved and available in a Capital Project Fund HO402, for the Railway Station.

Therefore, it is the recommendation of the undersigned that Change Order #3 in the amount of \$161,371.05 be approved; bringing the new contract total to \$23,300,750.05

Will the Council vote to so approve?

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

Yea  
Nays

5  
0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: HOWES, ROBERT

Agenda Item #14

|                        |   |
|------------------------|---|
| Date Claim Filed:      | April 28, 2014  |
| Date Action Commenced: | N/A   |
| Date of Occurrence:    | April 3, 2014   |
| Location:              | 512 75 <sup>th</sup> Street, Niagara Falls, New York      |
| Nature of Claim:       | Damage to property during tree removal.                   |
| Status of Action:      | Claim stage.  |
| Recommendation/Reason: | Best interests of City to pay claim.                      |
| Amount to be Paid:     | \$1,210.00  |
| Make Check Payable to: | Robert Howes  |
| Conditions:            | General Release to City, approved by Corporation Counsel. |

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

CLAIM: SCHILDAUER, WILLIAM W.

Agenda Item #15

|                        |   |
|------------------------|---|
| Date Claim Filed:      | September 9, 2014                           |
| Date Action Commenced: | N/A   |
| Date of Occurrence:    | September 8, 2014                           |
| Location:              | Packard Road at New Road, Niagara Falls, NY |
| Nature of Claim:       | Damage to vehicle during lawn maintenance.  |

|                        |   |
|------------------------|---|
| Status of Action:      | Claim stage.  |
| Recommendation/Reason: | Best interests of City to pay claim.                      |
| Amount to be Paid:     | \$1,144.55  |
| Make Check Payable to: | William W. Schildhauer                                    |
| Conditions:            | General Release to City, approved by Corporation Counsel. |

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

CLAIM: HARRIS, III, FELTON

Agenda Item #16

|                        |   |
|------------------------|---|
| Date Claim Filed:      | August 15, 2013   |
| Date Action Commenced: | August 11, 2014   |
| Date of Occurrence:    | August 10, 2013   |
| Location:              | 1142 Linwood Avenue   |
| Nature of Claim:       | Injuries sustained in an accident with City vehicle.  |
| City Driver:           | Richard Fleck   |
| Status of Action:      | Pre-trial stage.  |
| Recommendation/Reason: | Best interests of City to pay claim.  |
| Amount to be Paid:     | \$20,000.00   |
| Make Check Payable to: | Felton Harris, III and Walsh, Roberts & Grace   |
| Conditions:            | Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel. |

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

RESOLUTION: FINANCIAL ADVISORY PANEL, APPOINTMENT, 2015-40  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #17

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 his name:

APPOINTMENT

|                         |          |
|-------------------------|----------|
| Russell Petrozzi        | 12/31/15 |
| 2557 Parkview Drive     |          |
| Niagara Falls, NY 14301 |          |

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

ADOPTED

RESOLUTION: LINKS CHAPTER, HONORING, 2015-41  
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, The Links Incorporated is an organization of women with over 280 Chapters located in 40 states, the District of Columbia, and Nassau, Bahamas with a total membership in excess of 14,000 women ; and

WHEREAS, The organization was founded in Philadelphia, PA in 1946 with the Niagara Falls, NY Chapter being chartered on May 24, 1950; and

WHEREAS, The Links Incorporated is a voluntary service organization of concerned, committed and talented women who, linked in friendship, enhance the quality of life in communities throughout the world and its mission and vision is to contribute to the formulation of a positive, productive and culturally diverse society; and

WHEREAS, on May 24, 2015 the Niagara Falls, NY Chapter of The Links Incorporated will celebrate its 65<sup>th</sup> anniversary.

NOW, THEREFORE, BE IT RESOLVED, that this City Council does hereby honor and recognize the Niagara Falls, NY Chapter of The Links Incorporated on its 65<sup>th</sup> anniversary on May 24, 2015 and;

BE IT FURTHER RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby designate May 24, 2015 as the Niagara Falls, NY Chapter, The Links Incorporated Appreciation Day.

Yea

Nays

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0

ADOPTED

RESOLUTION: BIKE MONTH, DECLARING, 2015-42  
BY: CHAIRMAN ANDREW TOUMA

Agenda Item #19

WHEREAS, the bicycle is a healthy, convenient, financially and environmentally sound form of transportation and an excellent tool for recreation and enjoyment of Niagara Falls' scenic beauty; and

WHEREAS, throughout the month of May, the residents and employees of Niagara Falls and its visitors will experience the joys of bicycling through commuting events and simply getting out and going for a ride; and

WHEREAS, bicycling activities and attractions have great potential to have a positive impact on Niagara Falls' economy and tourism industry and to stimulate economic development by making neighborhoods attractive to businesses and citizens who enjoy the outdoors, walkability, and healthy lifestyles; and

WHEREAS, creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion; and

WHEREAS, the number of bike racks in Niagara Falls have increased by 30 over the past year, better accommodating bicycle transportation and parking in the city; and

WHEREAS, Cornell Cooperative Extension of Niagara County's Creating Healthy Places Program, the League of American Bicyclists, local businesses, and civic organizations will be promoting bicycling during the month of May 2015; and

WHEREAS, these groups are also promoting bicycling and active transportation year-round to increase resident's physical activity and health; and

WHEREAS, these groups are also promoting greater public awareness of bicycle operation and safety education in an effort to reduce collisions, injuries, and fatalities and improve health and safety for everyone on the road; and

WHEREAS, Section 152 of the New York State Traffic Law defines "traffic" as "Pedestrians...vehicles, bicycles and other conveyances either singly or together while using any highway for the purpose of travel;"

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls does hereby proclaim May 2015 Bike Month in the City of Niagara Falls, and urges all motorists and bicyclists to follow New York State's Vehicle and Traffic Law, sharing the road respectfully and responsibly.

Yea

Nays

5

0

ADOPTED

RESOLUTION: LASALLE PREPARATORY SCHOOL, WAIVER OF FEES FOR HYDE PARK  
OASIS, 2015-43

Agenda Item #20

WHEREAS, Hyde Park has an area in it for picnicking known as the "Oasis;" and

WHEREAS, The Oasis provides easy access to bathrooms and water; and  
WHEREAS, The City Department of Public Works typically charges a fee to entities to hold picnics at the Oasis; and

WHEREAS, The City has received a request from a Special Education teacher from the NFCSD to waive the fee charged by DPW for use of the Oasis to allow for a group of ninety-six students with multiple disabilities, some of whom are in wheelchairs, and a variety of other handicapping disabilities, to picnic at the Oasis on June 4, 2015 from 9:30 a.m. to 1:00 p.m.; and

WHEREAS, This picnic is not a Niagara Falls City School District event but rather is an event organized by the Special Education teacher herself, and the payment of the fee requested would be incurred personally by this teacher and her colleagues; and

WHEREAS, The City Council believes that the picnic planned by this teacher and her colleagues is an event that would benefit the students involved and should not come at a cost to the teachers.

NOW, THEREFORE, This City Council does hereby waive fees for the picnic planned on June 4, 2015 from 9:30 a.m. to 1:00 p.m. at the Oasis at Hyde Park which will be attended by disabled students at the LaSalle Preparatory School.

|   |   |
|---|---|
| Yea                                       | 4 |
| Anderson, Choolokian, Grandinetti, Walker |   |
| Nay                                       | 0 |
| Abstain                                   | 1 |
| Chairman Touma                            |   |

ADOPTED

TRAIN STATION PROJECT, TRANSFER OF FUNDS FOR NATIONAL GRID INSTALLATION

Agenda Item #21

A Purchase Order request for the Installation of the New Electrical Service for the Train Station has been made by National Grid, prior to installation.

This work must take place within the next month to keep the tight schedule in place and avoid any time related claims against the City.

Since we are the owner of the facility the purchase request is a City cost and not the General Contractor's.

It is the recommendation of the undersigned that money in the City's contingency line for this project be transferred, to pay the purchase order request of \$3,090.60.

Will the Council vote to so approve?

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:07 P.M.

Carol A. Antonucci  
City Clerk



May 26, 2015

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The first session of the May 26, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:08 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 May 11, 2015.

Yea

Nay

5

0

APPROVED

Community Development Director Seth Piccirillo spoke on the 2016 CD Action Plan Schedule, and said that it is on their website. He thanked the Council for their involvement, and Chairman Touma applauded Mr. Piccirillo for keeping the public informed. Mr. Piccirillo thanked the Council, Mayor and the Legal Department for their assistance with the auction that was held on May 21. The Auction was a success, and netted approximately \$55,000.00.

In the Administrated Update:

1. Police Chief Bryan Dal Porto spoke on funding of the E911 System Replacement (Agenda Item #3). The system is over 5 years old and needs to be replaced as both the hardware and software are out of warranty.

2. Chief DalPorto read a portion of a press release from Governor Andrew Cuomo's Office relative to gun violence. The Police Department has received a Grant from G.I.V.E., which Grant was an increase over the Grant received last year. Niagara County is one of the Counties to receive the Grant for this Program, which works with hotspot policing, focuses on crimes and working with the Community. The Award Letter will be on the next Council meeting for approval. The Chief said that he is excited to be able to take part in this Program. Chairman Touma read a portion of a letter from Governor Cuomo's Office congratulating the Police Department for its dedication to the Community.

3. Mayor Dyster spoke on the approval of recommendation of certain encroachments pertaining to the development of 310 Rainbow Blvd. (Agenda Item #6). He gave an update on the Hamister Project, and said that the contractor will be in for Building Permits mid June. Ground breaking should be taking place approximately the 3<sup>rd</sup> week of July.

4. The Mayor also gave an update on the paving of West Rivershore Drive. Announcements were sent to the residents on that street about the construction work that should take about a week to complete.

Caravelle Dr. & 89<sup>th</sup> St. have been milled and catch basins will be installed. The Pothole Killer is working in Center City and sidewalk crews are presently at work.

Chairman Touma said he has received calls from the residents on West Rivershore Dr. about the restriction on the amount of tonnage going down the street, and the Mayor said he will pass this along to DPW.

Council Member Anderson asked the Mayor how many Pothole Killers we have this year, and the Mayor responded that we have one. Council Member Anderson asked where is the LaSalle area on the list for the Pothole Killer, and the Mayor said he will check on this.

Council Member Choolokian asked about the Zipper work, and the Mayor stated that some work has been done.

Council Member Anderson asked about the digging up on 72<sup>nd</sup> Street concerning the ice problems. The Mayor said there is a Press Conference on May 27 with work starting at 8:00 AM that day. There is a contractor doing the work on behalf of the Water Board, and representatives from Clark Patterson Lee will be there also.

Council Member Choolokian said he has received calls about trash being dumped in alleys and fields, and wanted to know who is going to pick up the garbage. Mayor Dyster said he will start by having DPW enforce the rules, pick up the trash, and try to see who is doing the dumping.

Council Member Walker asked about replacement of equipment at D'Amelio Park. The Mayor will check on funding for the equipment, which is most likely not for this year. Community Development Director Seth Piccirillo is looking into options on this.

Corporation Counsel Craig Johnson distributed copies of amendments for Agenda Items #5 and #12, and one Item to be added to the Agenda.

1. An amendment to Agenda Item #5 to change the wording in the 2<sup>nd</sup> sentence.

Council Member Grandinetti moved to amend this Item.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO AMEND APPROVED

2. An amendment to Agenda Item #12 to change the title of the Item.

Council Member Choolokian moved to amend this Item.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO AMEND APPROVED

3. A Resolution relative to urging the sale of severely delinquent mortgages to Non-profits for foreclosure prevention and affordably housing strategies.

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

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as Item #15.

A discussion between Mayor Dyster and Community Development Director Seth Piccirillo followed on this Item.

The session ended at 6:36 P.M.

Chairman Touma reconvened the Meeting at 7:03 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Chairman Touma who also 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  | Buffalo Ave. smell past the Wastewater Treatment Plant; kudo's to DPW for manning parking lots |
| Gerald Skrlin | Sang; thanks to VA Administration for his rehabilitation                                       |
| Mary Lawton   | Neighborhood Parks need repairs, per DOW, no money For fix ups                                 |
| Bob Pascoal   | Nuisance & Property Bldg. Ordinance  |

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF APRIL 2018  
Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SPCA EXTENSION

Agenda Item #2

During the City Council meeting held on December 8, 2014 the City Council approved an arrangement with the SPCA which extended the terms of an agreement with the SPCA on a month to month basis. The cost to the City for services provided by the SPCA was \$16,500.00 monthly or \$198,000.00 annually.

Discussions have been ongoing between the City and the SPCA which have focused on the actual cost to the SPCA to service City animals with the goal of reaching an agreement with a one-year term rather than operating on a month to month basis.

The Executive Director of the SPCA has provided calculations relative to the SPCA's actual cost to service City animals which is attached hereto (on file in the City Clerk's Office). The Executive Director's analysis, based on year 2014 statistics, includes the total number of animals picked up, average length of sheltering required, cost of veterinary care, medical costs and staffing. The cost is projected to be \$223,127.00 which is \$25,127.00 more than the \$198,000.00 annual fee the City incurs now based upon monthly payments of \$16,500.00. The calculations provided by the Executive Director took into consideration the fact that the City has undertaken the animal control function which was previously provided by the SPCA. In this regard, the Superintendent of Police is in the process of arranging animal control training for additional officers to expand coverage. The purpose of this will be to avoid an after-hours "call out" charge the SPCA imposes.

At this time, it would appear to be more fiscally prudent for the City to continue its arrangement with the SPCA based on this proposal rather than incur the expense of constructing a City owned animal shelter and the cost of staffing it. It is proposed that this agreement be for a term of one year commencing on June 1, 2015 and expiring May 31, 2016. During this period of time the parties will continue a dialogue regarding the services provided by the SPCA for City animals and what arrangement is in the best interest of each respective party moving beyond May 31, 2016.

Funding is available from casino revenue.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

POLICE/FIRE DEPTS.: E911 SYSTEM REPLACEMENT, FUNDING

Agenda Item #3

The Superintendent of Police advises that the existing E911 equipment is out of date and out of warranty. It is necessary to replace the system and replacement equipment is available on state contract. Attached hereto (on file in the City Clerk's Office) is detail for this new system which totals \$226,566.00. This equipment will service both Police and Fire and should last at least five to ten years. It is important to note that this system is state-of-the-art and will be a public safety improvement.

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.

Yea

5

Nays

0

APPROVED

INTERNATIONAL FESTIVAL: FUNDING

Agenda Item #4

The Niagara Street Business Association is sponsoring the International Festival which will take place on June 20, 2015 at Gill Creek Park. The City is being asked to contribute the sum of \$2,500.00 toward the cost of this festival. Attached (on file in the City Clerk's Office) is a copy of a letter of request.

Funding is available through the Tourism fund balance.

Will the Council so approve and authorize the Mayor to execute a funding agreement satisfactory to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

Chairman Touma said that the entire Niagara St. Business Association prides themselves on putting on a great Festival. He is proud to have attended and contribute to this.

CITY PROPERTY: 310 RAINBOW BLVD.: ENCROACHMENTS

Agenda Item #5

In order to accommodate the construction of its proposed hotel, the developer of 310 Rainbow Boulevard has requested certain encroachments into the City right-of-way. In particular, the developer wishes to reconstruct and align the sidewalk along Old Falls Street, allow installation of a sign on Rainbow Boulevard encroaching into the right-of-way above grade and construct a porte cochere off O'Laughlin Drive. The Planning Board has reviewed this request and has recommended that the City Council approve it. Attached hereto (on file in the City Clerk's Office) is the recommendation from the Planning Board.

Will the Council so approve these encroachment requests with the commissions attached to the Planning Board recommendation?

Council Member Grandinetti moved that the conditions be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

Council Member Choolokian said that since the Planning Board said Yes, he is voting Yes.

Chairman Touma said he is glad to see this Project progressing and is voting Yes.

CONTRACT: ICE PAVILION ICE RINK/DASHER BOARD REPLACEMENTS, PARISE MECHANICAL INC.

Agenda Item #6

A contract for the above referenced project was awarded to Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY, on March 9, 2015 in the amount of \$18,100.00.

After the extreme winter weather thaw in mid- March, it was discovered that ice and snow build-up had caused a collapse in the exterior mechanical ductwork and damaged the associated roof. The repair work is beyond the City's trades ability and is work that the above mechanical contractor has offered to do at a cost not to exceed \$5,000.00. This work was not related to the ongoing project that was bid.

The total cost of all the additional work is \$5,000.00 bringing the contract total to \$23,100.00

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$5,000.00 be approved. Sufficient funds were budgeted in a Bond resolution approved by Council, March 9, 2015.

Will the council vote to so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #7

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2015 to June 30, 2017

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

|                         |   |
|-------------------------|---|
| Drake, Michael          | NFPD  |
| Gemuend, Victoria       | Engineering Dept.                                   |
| Roulley, Linda          | Law Dept.   |
| Trane, Micheal          | NFPD  |
| Walker, Charles         | City Council  |
|                         |   |
| Aronne, Tina            | 609 22 <sup>nd</sup> St., Niagara Falls, NY 14301   |
| Bass, Earl F.           | 2913 Michigan Ave., Niagara Falls, NY 14305         |
| Benevento, Leo          | 1406 Hyde Park Blvd., Niagara Falls, NY 14305       |
| Bodenstein, Christopher | 9304 Cayuga Dr., Niagara Falls, NY 14304            |
| Crea-Smith, Maria Dr.   | 5252 Lewiston Rd., Lewiston, NY 14092               |
| Cutler, Thomas          | 1092 N. Military Rd., Niagara Falls, NY 14304       |
| DeFazio, Derek          | 640 80 <sup>th</sup> St., Niagara Falls, NY 14304   |
| Dobmeier, Kevin         | 1327 102 <sup>nd</sup> St., Niagara Falls, NY 14304 |
| Dusher, Gregory         | 1060 100 <sup>th</sup> St., Niagara Falls, NY 14304 |
| Furman, Scott           | 1382 Westwood Ave., North Tonawanda, NY 14120       |
| Garrow, Ryan            | 750 Seymour Ave., Niagara Falls, NY 14305           |
| Gonzalez, Barbara       | 2412 North Ave., Niagara Falls, NY 14305            |
| Hilliard, Andrea        | 3924 Macklem Ave., Niagara Falls, NY 14305          |
| Jankowiak, Erin R.      | 2427 Lake Mead Rd., Niagara Falls, NY 14304         |
| Joyce, Cindy-Lou        | 2744 Thornwood Dr., Niagara Falls, NY 14304         |
| Kimble, Renea           | 3302 Hyde Park Blvd., Niagara Falls, NY 14305       |
| Mameli, Vincent M.      | 462 77 <sup>th</sup> St., Niagara Falls, NY 14304   |
| Masur, Noah             | 928 90 <sup>th</sup> St., Niagara Falls, NY 14304   |
| Ochal, Eugene           | 6117 Stephenson Ave., Niagara Falls, NY 14304       |
| Pierini, Cara           | 4215 N. Ridge Rd., Lockport, NY 14094               |

|                       |   |
|-----------------------|---|
| Pucci, Frederick      | 2991 McKoon Ave., Niagara Falls, NY 14305         |
| Sanabria, Risky       | 927 90 <sup>th</sup> St., Niagara Falls, NY 14304 |
| Sillett, Michael      | 2658 Kenneth Ct., Niagara Falls, NY 14304         |
| Soper, David P.       | 527 71 <sup>st</sup> St., Niagara Falls, NY 14304 |
| Spurback, Nicholas J. | 2234 Forest Ave., Niagara Falls, NY 14301         |
| Steinman, Kathleen    | 2242 Grand Ave., Niagara Falls, NY 14305          |
| Swartz, Robert        | 9513 Cayuga Dr., Niagara Falls, NY 14304          |
| Zona, Jason A.        | 431 Vanderbilt Ave., Niagara Falls, NY 14305      |

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yea

5

Nay

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: DENNIS, CHRISTOPHER

Agenda Item #8

|                        |  |
|------------------------|--|
| Date Claim Filed:      | February 17, 2015  |
| Date Action Commenced: | N/A  |
| Date of Occurrence:    | February 15, 2015  |
| Location:              | 3600 block of Ely Avenue,<br>Niagara Falls, NY                   |
| Nature of Claim:       | Automobile damage sustained in<br>an accident with City vehicle. |
| City Driver:           | Anthony L. Hook  |
| Status of Action:      | Claim stage.   |
| Recommendation/Reason: | Best interests of City to pay<br>claim.                          |
| Amount to be Paid:     | \$1,232.26   |
| Make Check Payable to: | Christopher Dennis   |
| Conditions:            | General Release to City,<br>approved by Corporation<br>Counsel.  |

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nay

0

APPROVED

RESOLUTION: RAPE SURVIVOR CHILD CUSTODY ACT OF 2015, 2015-44

BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #9

WHEREAS, a substantial number of women choose to raise their child conceived through rape and, as a result, may face custody battles with their rapists, and

WHEREAS, currently only 6 U.S. States have statutes allowing rape survivors to petition for the termination of parental rights of the rapist based on clear and convincing evidence that the child was conceived through rape, and

WHEREAS, a rapist pursuing parental or custody rights forces the survivor to have continued interaction with the rapist, which can have traumatic psychological effects on the survivor, making it more difficult for her to recover, and

WHEREAS, rapists may use the threat of pursuing custody or parental rights to coerce survivors into not prosecuting rape, or otherwise harass, intimidate, or manipulate them, and

WHEREAS, H.R.1257, the Rape Survivor Child Custody Act, was introduced in the U.S. House of Representatives on March 4, 2015, and

WHEREAS, the Rape Survivor Child Custody Act incentivizes state governments to have in place a law that allows the mother of any child that was conceived through rape to seek court-ordered termination of the parental rights of her rapist with regard to that child, which the court shall grant upon clear and convincing evidence of rape,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby expresses its support for H.R. 1257, the Rape Survivor Child Custody Act, and strongly urges the U.S. House of Representatives, the U.S. Senate, and the President of the United States to move swiftly in passing this bill into law, and

BE IT FURTHER RESOLVED, that copies of this resolution shall be provided to Rep. Brian Higgins, U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, and U.S. President Barack Obama.

Yea  
Nays

5  
0

ADOPTED

Council Chairman Touma applauds Council Member Grandinetti for bringing this before us, it is an initiative to get behind.

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENT, 2015-45  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #10

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Zoning Board of Appeals for the term expiring on the date which appears opposite his name:

| APPOINTMENT | TERM EXPIRES: |
|-------------|---------------|
|-------------|---------------|

|  |            |
|--|------------|
| Craig Avery<br>151 Buffalo Avenue<br>Niagara Falls, NY 14303<br>(to fill unexpired term of Vincent Spadocia) | 12/31/2015 |
|--|------------|

Yea  
Nays

5  
0

ADOPTED

RESOLUTION: GRIFFON PARK IMPROVEMENTS, GREENWAY FUNDING, 2015-46  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #11

WHEREAS, the City of Niagara Falls has received Niagara River Greenway Commission consistency review for the above referenced project; and

WHEREAS, the Host Community Standing Committee for Power Authority Greenway funding has previously approved funding for the above referenced project in the amount of \$400,000; and

WHEREAS, funding is available from Power Authority Greenway funding for these expenses in the total amount of \$450,000; and

WHEREAS, there is no new commitment of City / Local funding; and

WHEREAS, the project will result in new public restrooms and related improvements for park patrons;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this Power Authority Greenway funding request and authorizes the Mayor to act on behalf of the City in all matters related to this project and is further authorized to execute any and all documentation related to this project.

Yea  
Nays

5  
0

ADOPTED

RESOLUTION: HYDE PARK COMFORT STATION/LOUNGE, GREENWAY FUNDING, 2015-47  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #12

WHEREAS, the City of Niagara Falls has received Niagara River Greenway Commission consistency review for the above referenced project; and

WHEREAS, the Host Community Standing Committee for Power Authority Greenway funding has previously approved funding for earlier phases of improvements to the Hyde Park facility in the amount of \$200,000; and

WHEREAS, funding is available from Power Authority Greenway funding for this project in the amount of \$75,000; and

WHEREAS, funding is also available from a New York State Environmental Protection Fund Grant for this project in the amount \$250,000; and

WHEREAS, there is no new commitment of City / Local funding; and

WHEREAS, the project will result in new public restrooms and related improvements for park patrons;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this Power Authority Greenway funding request and authorizes the Mayor to act on behalf of the City in all matters related to this project and is further authorized to execute any and all documentation related to this project.

Yea

5

Nays

0

ADOPTED

RESOLUTION: HYDE PARK LAKE SHORELINE/UPLAND IMPROVEMENTS PROJECT, GREENWAY FUNDING, 2015-48  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #13

WHEREAS, the City of Niagara Falls has received Niagara River Greenway Commission consistency review for the above referenced project; and

WHEREAS, the project focuses on improving the water quality and aesthetics of Hyde Park Lake, to promote its use and enjoyment, and to enhance the park as a destination for the city and region; and

WHEREAS, funding is available from Power Authority Greenway funding for this project in the total amount of \$400,000; and

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application - Environmental Protection Fund for the above referenced project which seeks State assistance of up to \$500,000; and

WHEREAS, there is no commitment of City / Local funding;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this Power Authority Greenway and Consolidated Funding Application funding requests and authorizes the Mayor to act on behalf of the City in all matters related to this project and is further authorized to execute any and all documentation related to this project.

Yea

5

Nays

0

ADOPTED

RESOLUTION: NIAGARA RIVERVIEW TRAIL IMPROVEMENTS AT 53<sup>RD</sup> STREET,  
GREENWAY FUNDING, 2015-49  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #14

WHEREAS, the City of Niagara Falls has received Niagara River Greenway Commission consistency review for the above referenced project; and

WHEREAS, the project has been cited as a component of the City's waterfront redevelopment plans; and

WHEREAS these proposed improvements will provide users of the site with safer, cleaner and more pleasant conditions while promoting access to and enjoyment of the Niagara River through use of the trail; and

WHEREAS, funding is available from Power Authority Greenway funding for these expenses in the total amount of \$225,000; and

WHEREAS, there is no commitment of City / Local funding;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this Power Authority Greenway funding request and authorizes the Mayor to act on behalf of the City in all matters related to this project and is further authorized to execute any and all documentation related to this project.

Yea

5

Nays

0

ADOPTED

RESOLUTION: URGING THE SALE OF SEVERELY DELINQUENT MORTGAGES TO NON PROFITS FOR FORECLOSURE PREVENTION & AFFORDABLE HOUSING STRATEGIES, 2015-50

BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #15

WHEREAS, Since the beginning of the housing crisis in 2007, more than four million families have lost their homes to foreclosure, which has caused state and local governments to face crippling budget crises; and

WHEREAS, Hundreds of thousands of homeowners are still caught-up in predatory mortgages that will become unaffordable in the coming years; and

WHEREAS, The foreclosure crisis has disproportionately harmed communities of color and caused an enormous erosion of wealth for African Americans and Latinos; and

WHEREAS, Foreclosures have a negative social and economic impact on the affected families, neighborhoods, and our city as a whole; and

WHEREAS, HUD, Fannie Mae and Freddie Mac, and at times some of the major banks, are selling off pools of delinquent mortgages, most often to private equity firms, hedge funds, and other Wall Street entities; and

WHEREAS, Certain non-profits have raised the necessary capital to compete in this market, purchasing pools of delinquent mortgages for the purpose of saving homes from foreclosure and creating affordable housing; and

WHEREAS, there are non-profits that have a track record of success, and have the capital to expand, but need help getting access to more of the delinquent mortgages on the market; now therefore, be it

RESOLVED, this City Council supports the effort of the US Conference of Mayors to use its position and authority to help prevail upon major owners/managers of delinquent mortgages - including a number of major banks, Fannie Mae, Freddie Mac and HUD - to sell them to qualified non-profits that have the funding and infrastructure to purchase, service, and hold the mortgages, and a track record doing so.

AND BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any letters and documents of support necessary to support this initiative.

Yea

5

Nays

0

ADOPTED

There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 7:25 P.M.

Carol A. Antonucci  
City Clerk



**JUNE 8, 2015**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The first session of the June 8, 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, and City Controller Maria Brown.

Chief City Court Judge Mark Violante spoke on the recent graduates of Drug Court, and noted that there have been 1,000 graduates from the Program. He thanked the Mayor and Council for their support of the Program.

Randy Shepard of the Bonadio Group gave a Presentation on the City's 2014 Audited Financials. He noted that property tax revenues have remained static while expenses have increased, especially in the area of personnel costs. Council Member Grandinetti added that this was caused by settlements with employee bargaining units while property taxes were not raised as they are allowed under the tax cap. Mayor Paul Dyster said that non-property tax revenues need to be increased, such as parking revenues. Council Member Walker suggested a reassessment of properties rather than a tax increase, and Chairman Touma added that commercial properties are undervalued.

Chairman Touma asked about the status of the parking meters, and a lengthy discussion followed on having the operator purchase the meters rather than the City, and parking options used by other municipalities. City Administrator Donna Owens added that a representative of Desman will attend the next Council Meeting to address and discuss the matter.

Council Member Anderson noted that the Casino Funds that are sent to the State are unrestricted as to their use, while the Funds the City receives are restricted, and said our representatives in Albany should fight for the same for the City. He feels that using the Funds to lower taxes would in turn attract development.

Chairman Touma said that he had asked Superintendent of Police Bryan DalPorto to look into the number of commercial helicopters that are flying over the DeVeaux area.

Council Member Anderson said that he had seen crews working on 72<sup>nd</sup> and 77<sup>th</sup> Streets, and asked if any reports had been received concerning the frozen water lines. Mayor Dyster responded that he had not yet received any reports. Council Member Anderson also expressed concerns about the fire hydrant issues on Stephenson Avenue.

Corporation Counsel Craig Johnson distributed copies of an amendment and an item to be added to the Agenda:

1. An amendment to Agenda Item #3 to correct the dollar amount. Council Member Grandinetti moved to amend the Item.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO AMEND APPROVED

2. A communication relative to the reallocation of funding from completed park improvements to the Gluck Park Improvement Project. Council Member Choolokian moved to add the communication to the Agenda.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED  
The communication was added to the Agenda as #20.

Chairman Touma asked Acting Director of Parks and Public Works John Caso if the paving program was on schedule, and Mr. Caso replied that it was. Mayor Dyster commended the Department for their work.

Council Member Choolokian questioned why the John Daly Extension Project (Agenda Item #2) was taking so long, and Sr. Project Designer Michael DeSantis spoke on the history of the Project. Mayor Dyster added that, over the years, other Projects have been given a higher priority.

Council Member Choolokian asked if the financing was in place for the Hamister Project (Agenda Items #6 and #7), and Mr. Johnson responded that bids were out, and the developer was finalizing plans to apply for the necessary permits.

Council Member Choolokian asked what the ADA Project was (Agenda Item #12) and where the funding was coming from. City Controller Maria Brown spoke on the information she had, and, after a discussion it was decided to pull the Item from the Agenda until the Council Members had more information.

This Session ended at 5:55 PM.

Chairman Touma reconvened the Meeting at 6:13 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.

Chairman Andrew Touma asked those present to observe a Moment of Silence for 3-year old Maksym Sugorovskiy who was killed at Delaware Park, Buffalo, New York on June 6, 2015.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

|                    |   |
|--------------------|---|
| Norma Higgs        | Agenda Item #10   |
| Diane Tattersall   | Agenda Item #15   |
| Ron Anderluh       | Suggested Council take advice of the Financial Advisory Board; parking revenues need to be increased; International Flags should be placed on Niagara St.; Gill Creek Park needs Comfort Station; Police presence needed on Niagara St.; Thanks for road repairs on Niagara St. |
| Rick Crogan        | Thanks for City's help for Music & Arts Festival, especially John Caso, Bob Spaccone & Craig Johnson  |
| Diane Tattersall   | High grass in several areas of the City   |
| Gerald Skrlin      | Condition of Merani Property in his neighborhood; FOIL responses not received in a timely manner  |
| Henry Krawczyk     | Complimented repaving of the Boat Launch area   |
| William Williamson | Paper from NORAMPAC stored in Highland Ave. area; doesn't see work being done at Highland Ave. Fire Hall  |
| Vince Anello       | Spoke on John Daly Blvd. plan of his Administration; Auditors report shows need to increase revenues & reduce spending; Casino Spending Plan needed   |

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF MAY 2015

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: JOHN B. DALY EXTENSION, CONSULTANT SERVICES AGREEMENT,  
STANTEC CONSULTING GROUP

Agenda Item #2

A contract for the above referenced project was awarded to Stantec Consulting Group Inc., of Rochester, NY on June 7, 2004 for professional consultant services and design related tasks in the amount of \$430,449.00.

This Change Order involves additional funding to complete the required Design Report for submission to the N.Y.S.D.O.T. and for previous engineering tasks already completed. The completion of said Design Report enables us to apply for future State and Federal road construction monies estimated at \$4.5 million. It also relieves us from the potential repayment of these expended Federal Funds to date on this project.

Therefore, it is the recommendation of the undersigned that Change Order #2 in an amount not to exceed \$42,000.00 be approved. Funding is available under code H0303.2003.0303.0453.000 for Architects and Engineers.

Will the council vote to so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

CONTRACT: JAYNE PARK IMPROVEMENTS, SCOTT LAWN YARD

Agenda Item #3

A contract for the above referenced project was awarded to Scott Lawn Yard, Inc. on October 7, 2014, in the amount of \$269,115.00.

While this project was under construction, additional work was completed to install geotextile fabric underneath the base layer of the new asphalt pathway and playground surfacing for greater longevity and drainage. Additionally, changes were required to raise the elevation of the waterfront overlook to prevent ice damage. Finally, an identification sign was installed in compliance with the project funding sources. The total cost of this additional work is \$17,932.05.

However, various quantity under-runs totaling \$7,930.00 will result in a net addition to the contract of only \$10,002.05. This change order to the contract will bring the total revised contract sum to \$279,117.05. Funding up to a not-to-exceed amount of \$290,000.00 is available in code H0612.2006.0612.0449.599.

Will the Council vote to approve and authorize the Mayor to execute a change order in a form acceptable to the Corporation Counsel?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

Council Member Choolokian said that he voted against the Project but the Contractor should be paid.

CONTRACT: GRIFFON PARK CARTOP BOAT LAUNCH, SCOTT LAWN YARD

Agenda Item #4

A contract for the above referenced project was awarded to Scott Lawn Yard, Inc. on July 24, 2014, in the amount of \$102,950.00.

While this project was under construction, the contractor completed cutting and removal of a number of trees and brush, per the City's direction, to clear portions of the shoreline and removes safety hazards. In addition, the contractor removed the floating dock and gangway prior to the onset of winter and reinstalled both following the thawing of ice in the river this spring. The total cost of this additional work is \$26,672.22. This change order to the contract will bring the total revised contract sum to \$129,622.22. Funding is available in code H1213.2012.1213.0449.599.

Will the Council vote to approve and authorize the Mayor to execute a change order in a form acceptable to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yea

Nays

5

0

APPROVED

POLICE DEPT.: GIVE PROGRAM

Agenda Item #5

The Superintendent of Police advises that the DCJS has awarded Niagara County a GIVE Grant in the amount of \$696,367.00. The City's portion of this grant is \$349,115.00 which is an increase of \$15,400.00 over last year's grant amount. This will be for the contract period of July 1, 2015 - June 30, 2016. The purpose of this is to support targeted firearm and violent crime reduction efforts.

Attached (on file in the City Clerk's Office) is correspondence from the DCJS which explains this program in some detail.

Will the Council so vote to accept this Grant and authorize the Mayor to execute any agreements or documents required in order to implement the program?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yea

Nays

5

0

APPROVED

CITY PROPERTY: 310 RAINBOW BLVD., LICENSE TERMINATION

Agenda Item #6

On or about December 20, 2010, the City acquired title to the Premises. The City acquired title subject to a certain License Agreement between Rainbow Square Two Limited Partnership and J D Gifts, LLC. On December 16, 2010, just prior to the City acquiring title to the Premises, the License Agreement was amended by the parties by a "First Amendment to License Agreement" which, among other things, included a provision allowing the owner of the Premises to terminate the license. That provision reads as follows in pertinent part:

"22. Notwithstanding anything to the contrary herein contained, in the event the Owner has been issued a building permit for a permanent building on the Premises, Owner may, at Owner's sole discretion, elect to terminate this License Agreement upon thirty (30) days advance written notice to User if Owner intends to build the structure for which it received a building permit for and needs access to Premises to do so."

It is anticipated that a building permit will be issued to the City, as Owner of the Premises, and the Developer at some point in the very near future.

It is requested that upon the issuance of the building permit described herein, the City, as Owner of the Premises, acting through the Mayor, be authorized to terminate the License Agreement by giving thirty (30) days advance written notice of termination to J D Gifts, Inc. and be authorized to take whatever other steps are necessary in order to accomplish termination of the License Agreement and recover possession of the Premises.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yea

4

Anderson, Grandinetti, Walker, Chairman Touma

Nay

1

Choolokian

APPROVED

Council Member Choolokian said this item is based on an anticipated building permit that is still not on file, so he is voting No.

**CITY PROPERTY: 310 RAINBOW BLVD., LAND DISPOSITION/DEVELOPMENT AGREEMENT AMENDMENT**

**Agenda Item #7**

By agreement dated November 15, 2013, the City, USA Niagara Development Corporation ("USAN") and HH 310, LLC (the "Developer") entered into a certain Land Disposition and Development Agreement ("the Agreement") wherein the Developer agreed to develop premises owned by the City and commonly known as 310 Rainbow Boulevard premises (the "Premises") into "an upscale hotel (as hereinafter defined) containing at least 100 rooms and twenty-four market rate rental apartment units, from 5,000 square feet to 8,000 square feet of street-level retail space, and an approximately 5,000 square foot multipurpose space to host meetings and other events ...". The Agreement also called for the City to sell the Premises to the Developer and called for USAN to provide a grant to assist in the development of the project in the amount of \$2,750,000. At that time the project was anticipated to cost approximately \$25,000,000 to build.

Since the Agreement was executed, the Developer encountered several unanticipated problems which caused delay in finalizing its project plans so as to enable it to apply for a building permit. The most significant delay was encountered when the Developer was required to discontinue discussions with the Hilton Garden Inn franchisor and commence and complete discussions and obtain a commitment from an alternate franchisor. The franchisor now under contract with the developer is a Hyatt Place Hotel, an upscale brand. This required much revision to construction drawings that had been developed. The Developer is now in the process of finalizing its construction documents, has made application to the City's Department of Code Enforcement for a building permit and is in the process of submitting documents that are required in the building permit application process which will likely result in the issuance of a building permit later this month.

The Developer obtained site plan approval for the project from the City of Niagara Falls Planning Board on November 18, 2014 and obtained Planning Board approval and City Council approval for certain encroachments at meetings held on May 13, 2015 and May 26, 2015, respectively.

In order to reflect the current status of the project, it is requested that there be an amendment to the Agreement. The Amendment to the Agreement will reflect the following:

1. The description of the project will be amended to describe the project as follows: "A mixed-use project that would include, among other things, an "upscale" grade 128 room Hyatt Place Hotel, street-level retail/food and beverage establishments totaling 6,810 square feet of space and a 16,797 square foot ballroom/meeting facility on the upper floors of the building."

It should be noted that the original project proposed 114 rooms, 10,000 square feet of ballroom/meeting space and 5,000 square feet of street level retail/food and beverage establishments. It should also be noted that the twenty-four market rate apartment units originally included in the project have been deleted from the project description.

2. A number of contingencies specified in the Agreement such as the Developer's right to make objections to the status of the City's title to the premises, and the Developer's ability to obtain an agreement for an up-scale hotel franchise have been satisfied by the Developer and will be deleted.
3. An increase in the USAN project grant from \$2,750,000.00 to \$3,850,000.00 will be included. The reason for this increase is because the cost of the project has increased from the initial estimate of \$25,000,000.00 to \$35,000,000.00.
4. The commencement of construction of the project will begin on or before July 31, 2015.

Will the Council so approve and authorize the Mayor to execute an amendment to the Land Disposition and Development agreement that is in form and substance satisfactory to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

|   |   |
|---|---|
| Yea   | 4 |
| Anderson, Grandinetti, Walker, Chairman Touma |   |
| Nay   | 1 |
| Choolokian                                    |   |

APPROVED

Council Member Choolokian said he was against some of the terms of the Contract for the Project at the beginning and he gave the Project some leeway but at this point is voting No.

CONTRACT: MUNICIPAL COOPERATION AGREEMENT, TOWN OF NIAGARA

Agenda Item #8

Officials from the City and the Town of Niagara have been discussing various opportunities for sharing services. One such opportunity that presents itself at this time involves the use of the City's bandstand by the Town of Niagara at a reduced rate (\$550 per utilization, reduced from \$750 per utilization) in exchange for the City being able to utilize a hot patch machine owned by the Town of Niagara. The City does not own such a piece of equipment. The utilization of this machine by the City will be subject to the machine's availability at times to be determined by the Town of Niagara Highway Superintendent and the Acting Director of the City Department of Public Works.

This shared service will be memorialized in writing and an agreement will be prepared by the Corporation Counsel.

Will the Council so approve and authorize the Mayor to sign a Municipal Cooperation Agreement in form and substance satisfactory to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

Chairman Touma said the City should seek other Shared Service Agreements to cut expenses.

MAIN ST. BUSINESS/PROFESSIONAL ASSOCIATION, CONTRIBUTION FOR FLAG DAY CEREMONY

Agenda Item #9

The Main Street Business and Professional Association is sponsoring a Flag Day Ceremony which will take place on June 14, 2015 at Park Place Market. The City is being asked to contribute the sum of \$2,500.00 toward the cost of this ceremony. Attached (on file in the City Clerk's Office) is a copy of a letter of request.

Funding is available through the Tourism fund balance.

Will the Council so approve and authorize the Mayor to execute a funding agreement satisfactory to the Corporation Counsel?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

Council Member Grandinetti said that the Flag Day Ceremony will be held in the area of the Park Place Market-she complimented & encourages support for the many local artisans at the Market.

CODE ENFORCEMENT DEPT.: DEMOLITIONS, FUNDING

Agenda Item #10

The Acting Director of Code Enforcement is requesting that the sum of \$500,000 be made available to his department to perform additional demolitions and emergency board ups during the balance of this year. Funding is available from Casino revenues and will be transferred to Demolitions account code H0910.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

Chairman Touma said he supports demolitions but suggested trying to rehab properties before they reach the point of demolition.

CONTRACT: RESURFACING PROJECT, YARUSSI CONSTRUCTION

Agenda Item #11

A contract for the above referenced project was awarded to Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls, NY 14304 on August 13, 2014, in the amount of \$1,568,930.00.

As the contractor progressed, specific roadways presented a seriously graded base and, in some instances, subbase courses which had not reflected through to the pavement surface. The moisture-laden subsurface materials and poor surface runoff led to pavements that required more removal and replacements to attain proper function. The costs associated with the extra excavation and asphalt installation, when paired with cost underruns for catch basin and valve box replacements not performed, totals \$94,880.00 (6.05%) bringing the final contact total amount to \$1,663,810.00.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

CONTRACT: ADA COMPLIANCE PROJECT, CONSTRUCTION INSPECTION/CONTRACT ADMINISTRATION

Agenda Item #12

THIS ITEM WAS PULLED FROM THE AGENDA.  
THERE WAS NO ACTION TAKEN ON THIS ITEM.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: CURLEY, PAMELA J.

Agenda Item #13

|                        |   |
|------------------------|---|
| Date Claim Filed:      | February 3, 2015  |
| Date Action Commenced: | N/A   |
| Date of Occurrence:    | February 2, 2015  |
| Location:              | 3319 B Street, Niagara Falls, New York                        |
| Nature of Claim:       | Automobile damage sustained in an accident with City vehicle. |
| City Driver:           | James Morgan  |
| Status of Action:      | Claim stage.  |
| Recommendation/Reason: | Best interests of City to pay claim.                          |
| Amount to be Paid:     | \$907.06  |
| Make Check Payable to: | Pamela J. Curley  |
| Conditions:            | General Release to City, approved by Corporation Counsel.     |

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve? Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

CLAIM: LOBIANCO, GINO

Agenda Item #14

|                        |  |
|------------------------|--|
| Date Claim Filed:      | February 3, 2015   |
| Date Action Commenced: | N/A  |
| Date of Occurrence:    | February 2, 2015   |
| Location:              | 2913 Weston Avenue, Niagara Falls, NY                        |
| Nature of Claim:       | Automobile damage sustained in an accident with City vehicle |
| City Driver:           | James Morgan   |
| Status of Action:      | Claim stage.   |
| Recommendation/Reason: | Best interests of City to pay claim.                         |
| Amount to be Paid:     | \$1,629.13   |
| Make Check Payable to: | Gino Lobianco  |
| Conditions:            | General Release to City, approved by Corporation Counsel.    |

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve? Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

RESOLUTION: CITY COUNCIL MEETING TIME CHANGE  
BY: COUNCIL CHAIRMAN ANDREW TOUMA, COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #15

WHEREAS, during its Council meeting held on the 8<sup>th</sup> 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, in an effort to be responsive to constituent comments, during its meeting on February 17, 2015, this City Council adopted a resolution changing the time of this Council's Committee-of-the-Whole work sessions from 5:00 p.m. to 6:00 p.m. and also changed the time of this Council's legislative meetings from 6:00 p.m. to 7:00 p.m.; and

WHEREAS, this change in time for the Committee-of-the-Whole work sessions and legislative meetings was to be effective on a three (3) month trial basis during the months of March, April and May of 2015.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that for the balance of calendar year 2015, commencing with its meeting on June 22, 2015, and for each and every scheduled meeting thereafter during calendar year 2015 as established in the City Council resolution dated December 8, 2014, the City Council of the City of Niagara Falls will hold its Committee-of-the-Whole work sessions at 6:00 p.m. rather than 5:00 p.m. and its legislative meetings at 7:00 p.m. rather than 6:00 p.m.

Yea

2

Grandinetti, Chairman Touma

Nay

3

Anderson, Choolokian, Walker

DEFEATED

Council Member Choolokian said that he is ok with the new times but the response he received from his constituents favored the earlier times. Chairman Touma said the later times encouraged more citizens to attend the Meetings and he would like to keep the later Meeting Times.

RESOLUTION; TUBMAN, HARRIET, TWENTY DOLLAR BILL, 2015-51  
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #16

WHEREAS, Harriet Tubman was an African-American abolitionist and humanitarian who led slaves to freedom on the Underground Railroad; and

WHEREAS, Born into slavery, Tubman escaped and subsequently made about thirteen missions to rescue approximately seventy enslaved family and friends, using the network of antislavery activists and safe houses known as the Underground Railroad; and

WHEREAS, the City of Niagara Falls seeks to support placing the first American woman on US Currency; and

WHEREAS, Harriett Tubman bravely led countless Americans to freedom and opportunity, courageously fought for her country, and was an outspoken advocate for women.

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council encourages the US Treasury to place Harriett Tubman, a great American woman hero on our paper currency.

Yea

5

Nay

0

ADOPTED

RESOLUTION: DRUG COURT, CONGRATULATING GRADUATES, 2015-52  
BY: COUNCILWOMAN KRISTEN GRANDINETTI

Agenda Item #17

WHEREAS, the City of Niagara Falls implemented its Drug Court in 1996 and now proudly recognizes over 1,000 graduates; and  
WHEREAS, over the past twenty-five years drug Courts have served over 1.4 million individuals; and

WHEREAS, Drug Courts are now recognized as the most successful criminal justice intervention in our nation's history; and

WHEREAS, Drug Court save up to \$27 for every \$1 invested and produced \$13,000 for every individual they serve; and

WHEREAS, Seventy-five percent of Drug Court graduates will never be arrested again; and

WHEREAS, Drug Court significantly improve substance-abuse treatment outcomes, substantially reduce drug abuse and crime, and do so at less expense than any other justice strategy; and

WHEREAS, Drug Courts facilitates community-wide partnerships, bringing together public safety and public health professionals in the fight against drug abuse and criminality; and

WHEREAS, Drug Courts are the cornerstone of criminal justice reform sweeping the nation.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby recognize and congratulate the graduates and declare May 2015 as "Drug Court Month", in support of National Drug Court Month.

Yea  
Nays

5  
0

ADOPTED

RESOLUTION: HYDE PARK OASIS RENTAL FEES, WAIVER, NIACAP, 2015-53  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #18

WHEREAS, the Niagara Falls City Council wishes to do its part to foster the community bonds that are strengthened by Niagara Community Action Program, Inc. They provide the following programs/services to qualified City families: emergency food, clothing, budget counseling, in-house weatherization, home repair, child care referral, training, registration, meal reimbursement for children, health and safety start-up items nutrition outreach, education and advocacy, on-the-job training, fair housing, back rent/mortgage/ utility payments, landlord/tenant resolution, and asset management; and

WHEREAS, on August 7, 2015 will have a company gathering at Hyde Park Oasis and would like to request a reduction, or waiver of fees associated with the rental. The money saved will be used to support a needy family in our City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls does hereby waive the fee for rental of the Oasis at Hyde Park for the August 7, 2015 gathering.

Yea  
Anderson, Choolokian, Grandinetti, Chairman Touma  
Nays  
Abstain  
Walker

4  
0  
1

ADOPTED

RESOLUTION: SENIOR CITIZENS COUNCIL, APPOINTMENT, 2015-54  
BY: ALL COUNCIL MEMBERS

Agenda Item #19

WHEREAS, there is currently one vacant seat on the Niagara Falls Senior Citizen Council.

NOW, THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Senior Citizen Council effective for a term that expires on the date opposite her name shown below:

| <u>APPOINTMENT</u>  | <u>TERM:</u> |
|---|--------------|
| Mary Worthing<br>607 38 <sup>th</sup> Street<br>Niagara Falls, New York 14301 | 12/31/2018   |
| Yea   | 5            |
| Nays  | 0            |

ADOPTED

GLUCK PARK: PARK IMPROVEMENTS, FUNDING REALLOCATION

Agenda Item #20

The administration requests that \$23,000 be reallocated from 2015 city budget line H0622 to be used for improvements at Gluck Park. H0622 includes a total of \$38,000 in funding, the remainder from the Legends Park and Caravelle Park projects, which have both been completed and closed out by the Niagara Falls Department of Public Works.

Work items at Gluck Park will include basketball court resurfacing, pole, backboard and rim replacement, benches, bleachers, fencing, signage and stage repairs. Basketball court resurfacing will be completed by the Department of Public Works and the requested amount includes labor costs, including overtime costs, with funds to be transferred to A.5110.0200.0140.000.

Per City Council resolution earlier this year, the basketball court is being renamed in honor of Pastor Raybon, a long time staple in the Niagara Falls community and an advocate for youth activities. This item is being walked on to the City Council agenda to maximize the 2015 construction season and make these new facilities available for community use this summer.

Will the Council approve of the reallocation of unspent park improvement funds to the Gluck Park Improvement Project?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

Chairman Touma and Council Members Choolokian and Grandinetti said they are glad to see this on the Agenda.

There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 7:00 P.M.

Carol A. Antonucci  
City Clerk



**JUNE 22, 2015**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The first session of the June 22, 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 and Deputy Corporation Counsel Thomas O'Donnell.

Council Member Walker moved to approve the Minutes from the City Council Meetings of May 26 and June 8, 2015.

Yea

Nay

5

0

APPROVED

Council Member Walker read a Resolution honoring Bishop Euriah Colvin (Agenda Item #8) and the Council Members presented a copy of the Resolution to Bishop Colvin's son.

John Percy, President and CEO of the Niagara Tourism & Convention Corporation gave the organization's 2014 Annual Report. He noted that the amount of collected bed tax is up, as well as room nights that are booked, visits to the organization's website, and spending by tourists. Chairman Touma thanked Mr. Percy for the work done by his group.

Representatives of Oakwood Cemetery, the Niagara Arts and Cultural Center, Memorial Medical Center and the Niagara Falls Public Library spoke on the Grand Gardens of the Niagara Portage Event to be held on July 18.

Gregory Shumate of Desmond Associates spoke on parking meters. He said that the recommended plan was to place meters on downtown streets and in the Third and First Street Lots; each meter will service a number of parking spaces; revenue is projected to be around \$170,000 per year, and enforcement should not be handled by Police Officers. A lengthy discussion followed.

Pat Proctor, VP of Rainbow Helicopter, advised the Council Members that the increase in helicopter traffic and noise in the DeVeaux area is from new aircraft being used by the Canadians.

Mayor Paul Dyster read and presented a Proclamation honoring Judy Maness on her retirement as CEO of Mt. St. Mary's Hospital.

Mayor Dyster and Chairman Touma thanked Rick Crogan for a job well done on the Music & Arts Festival that was held over the weekend.

Corporation Counsel Craig Johnson distributed copies of a Resolution relative to an appointment to the Zoning Board of Appeals to be added to the Agenda.

Council Member Choolokian moved to add the Resolution to the Agenda.

Yea

Nay

5

0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED  
The Resolution was added to the Agenda as #11.

Council Member Anderson inquired about the status of the water lines on 72<sup>nd</sup> Street, and Mayor Dyster said that two test pits have been dug, and a report is being drafted.

Council Member Anderson also asked about staffing levels in the Forestry Division, and the Mayor responded that there was one vacancy in the number of positions that were budgeted, and he is looking into hiring to fill that one position.

Russell Petrozzi, President of the Niagara Falls Board of Education, spoke on the District's request for funding from the City for the 2015 Summer Youth Camp. He noted that the Program serves about 600 children, and is staffed by employees of the Niagara Falls Housing Authority. Council Member Walker questioned why Casino revenues were being used to fund the request, and Mayor Dyster responded that the suggestion came from the City Controller for this one time use.

This Session ended at 6:45 PM.

Chairman Touma reconvened the Meeting at 7:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council 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:

|                       |  |
|-----------------------|--|
| Vincent James Cancemi | Agenda Item #6   |
| Lisa Vitello          | Agenda Item #6   |
| John Percy            | Agenda Item #6   |
| Diane Tattersall      | Agenda Item #6   |
| Russ Petrozzi         | Agenda Item #6   |
| Toby Rotella          | Agenda Item #7   |
| Remy Orlowski         | Agenda Item #7   |
| Willie Dunn           | Agenda Item #6   |
| Vincent James Cancemi | Thanked Ron Anderluh for his work at Gill Creek Park   |
| Ron Anderluh          | Thanked Rick Crogan for his work on the Music & Art Festival; Parking revenues   |
| Rob Scofield          | Condition of neighbors pool  |
| Rick Crogan           | Thanked Council for recognizing Joe Calato; thanked John Caso, Bob Spaccone & DPW for their help with the Music & Art Festival; downtown parking issues  |
| Robert Ventry         | Great to see hotels & restaurants opening downtown; property conditions & pot hole issues not being addressed; no need for parking meters; Property Management Cos. should be licensed by the City; give money to School Board for summer camp |
| Gerald Skrlin         | State audit of Niagara Falls; condition of Merani property on Buffalo Ave.   |

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF MAY 2015

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: ADA COMPLIANCE PROJECT, CONSTRUCTION INSPECTION/CONTRACT ADMINISTRATION, FOIT ALBERT ASSOCIATES

Agenda Item #2

A contract for the above referenced Consultant Services Agreement was awarded to Foit Albert Associates in the amount of \$280,000.00 on September 9, 2009.

In keeping with our agreed settlement, the City would like to engage the services of our consultant, Foit Albert Associates, to provide the administration and inspection services needed to complete this project. Additionally, at the request of counsel, we have included design tasks which will allow the City to deal with recently encountered deficiencies, not originally included in this project's scope. The cost of the added design, inspection and administration is \$170,000.00,

bringing the new contract total to \$450,000.00. Funding is available from H0919.2009.0919.0449.599 in the amount of \$77,600.00 and the balance of \$92,400.00 is from Casino funds for a total of \$170,000.00.

Will the council vote to approve and authorize the Mayor to execute a change order in a form acceptable to the Corporation Counsel?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

CONTRACT: GILL CREEK PARK SIGN, K.J. SMITH ENTERPRISES

Agenda Item #3

On April 13, the City Council awarded the contract for a masonry monument sign at Gill Creek Park to Cooper Sign. The contractor had not included the required Davis-Bacon wage rates. Community Development solicited new proposals. The following proposals were received:

|                              |             |
|------------------------------|-------------|
| K.J. Smith Enterprises, Inc, | \$10,700.00 |
| Fontanarosa Construction     | 10,986.00   |
| Cooper Sign Co., Inc.        | 11,644.80   |

It's recommended that the sign contract be awarded to K.J. Smith Enterprises, Inc., the firm which submitted the lowest proposal. 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

OLD FALLS STREET: ADDITIONAL ELECTRICAL REPAIR WORK, FUNDING

Agenda Item #4

A project was commenced in April of this year to repair electrical service on Old Falls Street. The original estimate was in the amount of \$5,260.00 but because of unforeseen difficulties encountered during the project, an additional \$1,562.00 in work became necessary. See the attached (on file in the City Clerk's Office) invoice for specifics. Funding is available in Account Code H1013.2010.1013.0449.599.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

CONTRACT: FIRE DEPT., MUTUAL AID AGREEMENT, NF ARS FIRE EMERGENCY SERVICES

Agenda Item #5

The City's Mutual Aid Agreement with the Niagara Falls ARS Fire Emergency Services is up for renewal. The term of this agreement will be for a period of five (5) years upon signing and will remain in effect for five (5) years. This agreement will automatically renew annually for a term of twenty (20) years. Either party may unilaterally terminate the agreement on 180 days prior written notice.

Fire Chief Thomas Colangelo has recommended renewal of this agreement. Will the Council so approve and authorize the Mayor to execute an agreement in form and substance satisfactory to the Corporation Counsel?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

NF SCHOOL DISTRICT: 2015 SUMMER YOUTH CAMP, FUNDING

Agenda Item #6

The 2015 Summer Youth Camp is planned to take place once again this year on premises owned by the District. This camp has been an annual event each year since 2006. It will commence July 6, 2015 and run each day, exclusive of weekends, through the first part of August, 2015. The camp is administered by the Niagara Falls Housing Authority and is a day camp providing structured activities for approximately 800 City children. Bowling and ice hockey are additional activities offered off site. Lunch is included each day the camp is in session.

The District is requesting that the City contribute the sum of \$100,000 to the cost of this summer youth camp. It is requested that \$50,000 be contributed immediately and that an additional \$50,000 be contributed on or about August 1, 2015.

Funding is available from Tourism Fund Balance (Account Code T.0000.4999.000). No property tax revenues or casino revenues are involved.

Will the Council so approve and authorize the Mayor to execute an agreement in form and substance satisfactory to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yea  
Anderson, Walker, Chairman Touma  
Nays  
Choolokian  
Abstain  
Grandinetti

3  
1  
1

APPROVED

Council Member Choolokian said he supports kids in Niagara Falls but the Board of Education gets Casino Money. The Audit shows that the City is in the hole & the deficit needs to be addressed. The City Parks are not funded 100%. There is a spending freeze in effect. Tourism dollars should be spent downtown.

Council Member Grandinetti said the City funds Youth Programs through CD & DPW and there are still Summer Programs at the Y. She questioned the administration of this Program and said the School District can find funds they need when they are needed for Administrative costs.

Council Member Walker said he supports Programs like this to keep kids active & off the streets.

Chairman Touma said the City has invested in the downtown area & now needs to invest in our youth.

BLUES FESTIVAL: FUNDING

Agenda Item #7

The Niagara Festival & Entertainment Group is planning to promote and undertake its Annual Blues Festival scheduled to take place on September 11, September 12, and September 13, 2015 on Old Falls Street. The City has been asked to contribute the sum of \$3,500.00 to the cost of this festival. Attached (on file in the City Clerk's Office) is a copy of the letter of request. Funds will be dispersed pursuant to a funding agreement prepared by the Corporation Counsel. Funding is available from Tourism Fund balance.

Will the Council so approve and authorize the Mayor to sign a funding agreement approved by the Corporation Counsel?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nays                                | 2 |
| Anderson, Choolokian                |   |

APPROVED

Council Member Choolokian said the City should not support Private Festivals.

Chairman Touma said the City should be "A" sponsor not "THE" sponsor.

RESOLUTION: COLVIN, BISHOP EURIAH, HONORING, 2015-55

BY: COUNCIL MEMBER CHARLES WALKER

Agenda Item #8

WHEREAS, Bishop Euriah Colvin was born in Crenshaw County, Alabama on June 16, 1927, married Laura M. Moore in 1947 and moved his young family to Niagara Falls, NY in 1951, and

WHEREAS, Bishop Euriah Colvin served the Niagara Falls Community and all of Western New York for 55 years, and

WHEREAS, Bishop Euriah Colvin was consecrated to the office of Bishop in July of 1964 and served as the Presiding Prelate of The Independent Church of God In Christ, Inc. until his death in March of 2013, and

WHEREAS, Bishop Euriah Colvin dutifully served God and his community through the local church and established such outreaches as the Buffalo Food Pantry and On-Site Feeding Ministry, Senior Citizens Transportation and Visitation Ministry, Project T.Y.P.E. (Training Young People for Excellence), Complete Deliverance Ministry for Substance Abuse, Youth and Children's Summer Camp and an alternative to incarceration program called New Jerusalem of Niagara Falls Life Transformation Reporting Center for Boys, and

WHEREAS, Bishop Euriah Colvin served as President of the Niagara Falls Ministerial Council, Board Member of the following groups and/or agencies; Niagara Falls Faith Based Initiative, Niagara County Community Action Program, Citizens Advisory Committee for Niagara County Department of Social Services and also on the Board of Directors of the United Way of Niagara County.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that the City Council hereby honor the memory of Bishop Euriah Colvin and his many contributions to the City of Niagara Falls and Western New York, and

BE IT FURTHER RESOLVED, that signs saying "Bishop Euriah Colvin Way" be placed underneath the street signs at 20<sup>th</sup> Street & Center Avenue and 20<sup>th</sup> Street & Calumet Avenue, in honor of Bishop Euriah Colvin.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

ADOPTED

RESOLUTION: CALATO, JOE, HONORING, 2015-56  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #9

WHEREAS, born in 1921 in Niagara Falls, New York, Joe D. Calato began playing drums in his teenage years. His clever and innovative drive led him to invent one of the most radical changes to the musician's world, the regal tip drumstick. He attended the University of Buffalo after graduation from high school and later, joined the Air Force in 1942, serving as a lieutenant and navigator on a B-17 bomber.

Stationed mainly in England during World War II, Calato found many opportunities to play drums in military jazz groups and dance bands. He went on to marry his beautiful wife, Katherine Laurri; and

WHEREAS, after much experimenting, Joe perfected the idea: a drumstick with a nylon tip that stayed on, didn't shatter and produced a sound pleasing to the ear. He called his invention "Regal Tip." The sound was so pleasing it helped define the musical styles of the day with its signature clarity on drumheads and ride cymbals. His contribution to the percussion industry was recognized by the Percussive Arts Society when he was inducted into its Hall of Fame; and

WHEREAS, Joe Calato's invention signaled a revolution in drumstick manufacturing and design. Joe took it as his mission to upgrade drumsticks, beginning with the quality of the wood, the drying of the wood, the famous Regal Tip finish, and inspection for straightness of grain, weight, knots, and warp, finally, he was the first to match and pair sticks. To this day, the drum world credits Joe with establishing modern standards in drumstick design and crafting; and

WHEREAS, the invention of the nylon tip drumstick was but the beginning of a long history master craftsmanship. Joe set the standards for quality and innovation when he introduced his line of best-selling brushes. To this day, Regal Tip brushes continue to be the best-selling around the world; and

WHEREAS, Joe Calato's dedication to manufacturing only quality percussion products for drummers was ingrained in his children and grandchildren, as the next generations began to assume responsibility for the day to day operations. A long list of innovations includes the Thai Sticks, Conga Stick, Danny Reyes Multi-Percussion Stick, and most recently the E-Tip drumstick. The company is still owned and operated by the Calato family, which continues to take its commitment to produce quality products for drummers and percussionists very seriously. The invention of the nylon tip drumstick was but the beginning of a long history of master craftsmanship. Joe set the standards for quality and innovation when he introduced his line of best-selling brushes. To this day, Regal Tip brushes continue to be the best-selling around the world; and

WHEREAS, Joe kept his family and business in Niagara Falls where he could enjoy the beauty of the area and his long-time friends and close family. Over 57 years, Calato Mfg. has employed hundreds of people from this area. And today, drummers on tour continue to visit the manufacturing facility on Hyde Park Blvd to witness the manufacture of their favorite sticks and brushes. In the universal world of drummers, Niagara Falls is not only known for its beautiful cascades, it's also known to be the home of Regal Tip drumsticks and Joe Calato.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that the City Council recognizes Joe Calato for his great success and accomplishment.

Yea  
Nays

5  
0

ADOPTED

RESOLUTION: CITY POOLS, FEE RENTALS, 2015-57  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #10

WHEREAS, the Acting Director of the Department of Public Works (DPW) has reviewed the fee schedules relative to fee rentals for all three (3) City pools; and

WHEREAS, the cost currently is \$80.00 per hour; and

WHEREAS, it is difficult to schedule a lifeguard to come to work for only one (1) hour;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the fee to be paid to book any of the three (3) City pools is \$80.00 for a three (3) hour period of time;.

AND BE IT FURTHER RESOLVED THAT when there are ten (10) or more people present at such a pool event it is necessary to bring on a second lifeguard which will require an additional fee of \$35.00 to book any pool for a three (3) hour period of time;

AND BE IT FURTHER RESOLVED that any requested time over and above three (3) hours will result in an additional \$25.00 per hour fee.

Yea  
Nays

5  
0

ADOPTED

Chairman Touma said this sets reasonable fees.

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENT, 2015-58  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #11

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Zoning Board of Appeals, effective July 1, 2015 for the term expiring on the date which appears opposite his name:

APPOINTMENT

TERM EXPIRES

Chris Ciccone  
1220 Brandi Drive  
Niagara Falls, NY 14304  
(to fill unexpired term of John Pallaci)

12/31/2016

Yea  
Nays

5  
0

ADOPTED

There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 8:00 P.M.

Carol A. Antonucci  
City Clerk



**JULY 6, 2015**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The first session of the July 6, 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.

Absent: Robert Anderson

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of June 22, 2015.

Yea

4

Nay

0

APPROVED

Superintendent of Police Bryan DalPorto said that traffic downtown during the Holiday weekend was very busy, and he thanked the State Police and the Department of Public Works for their help in moving the traffic along.

Council Member Choolokian asked Mayor Paul Dyster for an update on the progress of determining the cause on the streets that had frozen water lines. Mayor Dyster said that he had spoken to the Water Board Director, and the Board was looking to dig additional holes in various streets. The Mayor also reported that Clark Patterson Lee, the City's contractor on the water line matter, was looking into Infrastructure Grants that the City may be able to apply for.

Mayor Dyster also spoke on the busy holiday weekend and thanked all those involved in keeping the traffic moving. He also said that hotel occupancy was up, and the issue of signs for tour bus parking downtown are being worked on.

The Session ended at 5:15 PM

Chairman Touma reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

|               |   |
|---------------|---|
| Ron Anderluh  | Agenda Item #8  |
| Gerald Skrlin | Agenda Item #2  |
| Ron Anderluh  | Fantastic downtown weekend traffic; missed parking revenue; status of outstanding parking violations; include restrooms for Gill Creek Park in 2016 CD Budget |
| Rick Williams | City/School Board youth summer programs   |
| Gerald Skrlin | American Political Culture issues   |
| Robert Ventry | Thanks for addressing alley issues  |

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF JUNE 2015

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

TRAIN STATION PROJECT: TRANSFER OF FUNDS FOR NATIONAL GRID

Agenda Item #2

A purchase order request for the retirement of existing street lighting being removed for the Train Station has been made by National Grid.

This work is in conjunction with the removal of wood poles from Depot Street west, and power lines over Main Street and will take place within the coming weeks.

These services are supplied by the utility company are the responsibility of the City and not the General Contractor Scrufari Construction Inc.

It is the recommendation of the undersigned that money in the City's contingency line for this project be transferred to pay the purchase order requests estimated at \$13,000.00.

Will the Council vote to so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

CONTRACT: TRAIN STATION PROJECT, SCRUFARI CONSTRUCTION CO.

Agenda Item #3

A contract for the above referenced project was awarded to Scrufari Construction Company Inc., 4800 Hyde Park Blvd. 3925 Hyde Park Blvd., Niagara Falls, NY on April 14, 2014 in an amount of \$22,691,000.00.

The City Council has approved Change Orders request to date in the amount of

\$622,250.20 bringing the total contract amount to \$23,313,250.20.

The majority of this Change Order is for two items:

First item is the installation of poles, wiring and LED lighting for the parking lot and for Depot & Whirlpool Streets. The original scope was for National Grid to install these items, but with the yearly fees the cost would add up to over a million dollars during the life expectancy of the equipment.

Second is to secure Railroad protection as required by contract for the remainder of the project. These two items account for \$360,315.00.

Two other change requests for unanticipated and necessary work beyond the original scope have been reviewed by the City's consultant Wendel and the Engineering Department and are shown below.

- 026 Fixed Audience Seating
- 027 Additional Amtrak Flagging
- 028 Street Lighting
- 031 Non uniform Surface at Custom House

The funding for Change Order #4 is a transfer of funds from the "Owners" additional construction contingency budget (within the existing project budget) to the Contractor's budget. The Owner's contingency fund includes matching Federal, State and City's local-share funding (20% matching funds) already approved and available in a Capital Project Fund H0402, for the Railway Station.

Therefore, it is the recommendation of the undersigned that Change Order #4 in the amount of \$380,219.00 be approved; bringing the new contract total to \$23,693,469.20 sufficient funds presently exist in Code H0402.2002.0449.599.

Will the Council vote to so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

4

Anderson, Grandinetti, Walker, Chairman Touma

Nay

1

Choolokian

APPROVED

Council Member Choolokian said he never supported this Project but it keeps people working.

Chairman Touma said that these are anticipated budgeted costs.

#### CONTRACT: COMMUNITY DEVELOPMENT SMALL BUSINESS ADVOCATE

##### Agenda Item #4

A small business advocate contract was a component of the 2015 United States Department of Housing and Urban Development Community Development Action Plan, approved by the Niagara Falls City Council in 2014. \$12,000 of Community Development Block Grant (CDBG) funding will be used to contract for specific small business support services including e-marketing and promotions designed to connect customers with local establishments. Creation of this role was done in consultation with local businesses associations.

The 2015 CDBG program year starts on July 1, 2015. The Niagara Falls Community Development Department requests approval to enter into a one year contract with Christopher Stoianoff. Mr. Stoianoff will be an independent contractor, without general fund impact. The small business advocate project will be supervised by the Director of Community Development. Funding is available for federal reimbursement on a monthly basis, via the Niagara Falls Community Development Department.

Will the Council vote to approve selection of Christopher Stoianoff as Small Business Advocate and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yea

5

Nay

0

APPROVED

CITY PROPERTY: 250 RAINBOW BLVD., ENCROACHMENT

Agenda Item #5

The owner of the Jefferson Apartments located at 250 Rainbow Boulevard is requesting an encroachment into the City right of way on the east side of the building to install a ventilation hood enclosed by a 4-ft. fence. The Planning Board has reviewed this request and has recommended approval subject to certain conditions. Attached (on file in the City Clerk's Office) is a copy of the Planning Board recommendation.

Will the Council so approve this request subject to the conditions imposed by the Planning Board which are attached to its recommendation?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

Chairman Touma said this will allow the business owner to expand.

CONTRACT: UNIFIED COURT SYSTEM

Agenda Item #6

The UCS is establishing a renewal period in the five (5) year term of the Agreement the City has with the UCS for the maintenance of the court house at 1925 Main Street and the corresponding reimbursement from the state. The renewal period encompasses April 1, 2015 - March 31, 2016. The proposed budget for City services to be reimbursed is \$276,675.

Will the Council so approve and authorize the Mayor to execute an Agreement acceptable to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

CODE ENFORCEMENT: REORGANIZATION

Agenda Item #7

The Acting Building Commissioner of the Department of Code Enforcement is requesting a reclassification of a position. This reclassification has been approved by the Municipal Civil Service Commission. The position in question is presently classified as "Code Enforcement/Property Owner Registration Clerk" which is a Grade 5A. The salary for that position is \$30,042.52. The individual who serves in this capacity has successfully completed Code Enforcement Officer training and is now certified as a Code Enforcement Officer. The reclassification of the "Code Enforcement/Property Owner Registration Clerk" position to "Code Enforcement Officer/Property Owner Registrant" is a Grade 20A. The salary for this position is \$40,703.68 which will result in an annual increase of \$10,661.16. Because the year is already half over, the cost for this reclassification for the balance of calendar year 2015 will be approximately \$5,300.00.

The Acting Building Commissioner advises this reclassification will serve the best interest of the Department of Code Enforcement and the City in that this individual is now a certified Code Enforcement Officer and can be available at the discretion of the Acting Building Commissioner to conduct inspections as required. This individual will continue to perform the duties of Property Owner Registration Clerk as he has in the past and will be available to serve the public in any capacity needed by the Department as Code Enforcement Officer.

The process to have this position reclassified began approximately seven (7) months ago which enabled the individual in this position to obtain the necessary training administered by the Department of State, participate successfully in all examinations and testing and obtain the required certification from the State.

Funding is available in the Department of Code Enforcements bi-weekly payroll line which is A3620.0000.0110.000.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

Chairman Touma said the Department is undermanned & this will give the Department more flexibility.

#### ASSESSOR: 2015 GENERAL ASSESSMENT ROLL

##### Agenda Item #8

Listed below are the taxable totals of the General Assessment Roll for the City of Niagara Falls, New York, as now constituted and completed by the Board of Assessment Review for the year 2015 and were filed with the City Clerk on July 1, 2015.

Also, attached (on file in the City Clerk's Office), please find the exemption summary for the 2015 Roll.

|                              |                 |
|------------------------------|-----------------|
| Total Taxable Assessed Value | \$1,274,907,936 |
| Homestead                    | \$876,492,885   |
| Non-Homestead                | 398,415,051     |
| Total                        | \$1,274,907,936 |

THIS ITEM WAS RECEIVED AND FILED

#### THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: MCNEIL & COMPANY, INC AS SUBROGEE OF WOLCOTTSVILLE VOLUNTEER FIRE CO. INC.

##### Agenda Item #9

|                        |  |
|------------------------|--|
| Date Claim Filed:      | October 16, 2014   |
| Date Action Commenced: | N/A  |
| Date of Occurrence:    | September 20, 2014   |
| Location:              | 4001 Packard Road  |
| Nature of Claim:       | Automobile damage sustained in mutual aid firefighting incident.             |
| Status of Action:      | Claim stage.   |
| Recommendation/Reason: | Best interests of City to pay claim and General Municipal Law Section 209-E. |
| Amount to be Paid:     | \$5,457.00   |
| Make Check Payable to: | McNeil & Company, Inc. as subrogee of Wolcottsville Volunteer Fire Co. Inc.  |
| Conditions:            | General Release to City, approved by Corporation Counsel.                    |

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

CLAIM: ST. JOHNSBURG FIRE COMPANY, INC.

Agenda Item #10

|                        |  |
|------------------------|--|
| Date Claim Filed:      | November 19, 2014                                      |
| Date Action Commenced: | N/A  |
| Date of Occurrence:    | September 20, 2014                                     |
| Location:              | 4001 Packard Road                                      |
| Nature of Claim:       | Automobile damage in mutual aid firefighting incident. |

|                        |  |
|------------------------|--|
| Status of Action:      | Claim stage.   |
| Recommendation/Reason: | Best interests of City to pay claim and General Municipal Law Section 209-E. |
| Amount to be Paid:     | \$3,985.00   |
| Make Check Payable to: | St. Johnsburg Fire Company, Inc.   |
| Conditions:            | General Release to City, approved by Corporation Counsel.                    |

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve? Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

CLAIM: BOAS, CATHERINE YOLEUSKY

Agenda Item #11

|                        |   |
|------------------------|---|
| Date Claim Filed:      | March 5, 2015   |
| Date Action Commenced: | N/A   |
| Date of Occurrence:    | March 4, 2015   |
| Location:              | 2713 Woodlawn Avenue, Niagara Falls, NY                       |
| Nature of Claim:       | Automobile damage sustained in an accident with City vehicle. |
| Status of Action:      | Claim stage.  |
| Recommendation/Reason: | Best interests of City to pay claim.                          |
| Amount to be Paid:     | \$275.35  |
| Make Check Payable to: | Catherine Yoleusky Boas                                       |
| Conditions:            | General Release to City, approved by Corporation Counsel.     |

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve? Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 6:37 P.M.

Carol A. Antonucci  
City Clerk



**July 20, 2015**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The first session of the July 20, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:08 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 July 6, 2015.

Yea

Nay

5

0

APPROVED

Chairman Touma read Agenda Item #21, a Resolution relative to recognizing World Breastfeeding Week, and he and the Council Members presented a copy of the Resolution to representatives from Niagara Falls Memorial Medical Center.

Carmen Granto, Chairman of the City's Financial Advisory Board, spoke on the work of the Board and recommended that the Council approve an agreement with the New York State Financial Restructuring Board (Agenda Item #7). Chairman Touma thanked the Board Members for their service, and Mr. Granto thanked the Mayor, Council Members and Corporation Counsel for their help.

Community Development Director Seth Piccirillo spoke on proposed changes in the City's In Rem Auction Process that would encourage home ownership, and City Wide Home Renovation. He also spoke on funding for family events in conjunction with Major League Baseball's Play Day.

Rebecca Brooks, Senior Citizen Program Administrator, reported that the Duke Senior Center serves over 800 seniors and 140 groups. She has prepared and distributes an information packet for seniors to help them with access to various services.

SWEET Team Coordinator Brook D'Angelo gave an update on the Team, and noted that, to date, over 500 addresses have been served to educate residents on recycling compliance. She said the Team still has much more work to do, and suggested that the Team be retained to continue this work.

Chairman Touma questioned a trend he noticed that recycling rates are down on Mondays and Thursdays, and also asked for the Year To Date credit for recycling and if the Administration was satisfied with that credit. City Administrator Donna Owens responded that these issues were being tracked at this time. Council Member Walker added that the City needs to be very aggressive with regard to refuse/recycling in order to recoup the cost of the contract.

Chairman Touma asked Mayor Dyster about the decrease in the amount of sales tax revenue that was budgeted for in 2015, and the Mayor responded that revenue amounts are projected very conservatively, and there were factors that influenced the drop in the amount. City Administrator Owens added that Budget Meetings with each Department Head were scheduled to begin shortly.

Council Member Anderson noted that nothing is being done on 72<sup>nd</sup> Street and there are orange cones throughout the City due to infrastructure problems, and the Mayor responded that Clark Patterson Lee is staying on top of the situation. Mayor Dyster also added that Clark Patterson Lee is watching on behalf of the City for Grants that may become available for infrastructure repairs. Council Member Choolokian asked if there was a timetable to fix the frozen water line problems on 72<sup>nd</sup> and 77<sup>th</sup> Street, and Council Member Grandinetti added that the Council stands behind the Mayor to do whatever is needed to fix those problems on 72<sup>nd</sup> and 77<sup>th</sup> Streets. Chairman Touma asked that the Council be updated weekly during the August recess on this issue.

Chairman Touma also spoke on training received by the Police and Fire Departments to deal with heroin overdoses.

Corporation Counsel Craig Johnson distributed copies of three Items to be added to the Agenda:

1. A Resolution relative to waiver of Hyde Park Oasis Rental Fees for 2015 Willing Workers Picnic.

Council Member Choolokian moved to add the Resolution to the Agenda.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #28.

2. A Resolution relative to celebrating the Brundidge Family Reunion.

Council Member Choolokian moved to add the Resolution to the Agenda.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #29.

3. A communication relative to a Grant Award from Dr. Pepper Snapple Group and KaBOOM.

Council Member Choolokian moved to add the communication to the Agenda.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #30.

This Session ended at 6:20 PM

Chairman Touma reconvened the Meeting at 6:35 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

|                 |  |
|-----------------|--|
| Ron Anderluh    | Agenda Item #4   |
| Dave Cuddy      | Agenda Item #4   |
| Ken Hamilton    | Agenda Items #5, #7, #12, #23  |
| Robert Ventry   | Agenda Items #4, #7, #9  |
| Trudy Christman | Agenda Item #8   |
| Ken Hamilton    | Add insurance to Water Bills; profitability of Re-cycling; basketball at Hyde Park; need Community Center for kids |
| Garald Skrlin   | Condition of property at 3 <sup>rd</sup> & Buffalo Ave.  |
| Robert Ventry   | Replace lights downtown that are very dim  |
| Linda Burge     | Testing of water lines on Independence Ave. not done yet   |
| Sylvia Frances  | Testing of water lines on Independence Ave. not done yet   |
| Felesia Davis   | Weekend pool incident  |

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERKS REPORT FOR THE MONTH OF JUNE 2015

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PORTER RD. BRIDGE PAINTING PROJECT, ERIE PAINTING, INC.

Agenda Item #2  
A contract for the above referenced project was awarded to Erie Painting and Maintenance, Inc. on September 30, 2013 in the amount of \$487,000.00.

The contractor for this project incurred costs well beyond their contractual obligations as a result of both changes in scope and lost time delays. The costs associated with the extra tasks performed totals a not to exceed amount of \$25,000.00 bringing the total construction cost due Erie Painting and Maintenance, Inc. to \$512,000.00.

It is important to note that these costs are 80% reimbursable and comprised the basis for a Supplemental Agreement from the New York State Department of Transportation - approved and subsequently requested by this Council on April 27th of this year and finally received, in its fully executed form, this past week. This particular Council action today will allow the City to make use of the funds we requested last April now that they have arrived.

Will the Council vote to approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

CONTRACT: BRIDGE STATION FIREHALL, ROOFTOP HVAC UNIT REPLACEMENT, J.R. SWANSON PLUMBING CO., INC.

Agenda Item #3

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. | \$7,445.00 |
| 413 103 <sup>rd</sup> Street   |            |
| Niagara Falls NY 14304         |            |

Funding will be available from Casino funds.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

CONTRACT: 27<sup>TH</sup> ST. REPAVING, YARUSSI CONSTRUCTION, INC.

Agenda Item #4

The following is the result of bids received on July 13, 2015, for the above referenced project:

| CONTRACTOR                     | BASE BID     |
|--------------------------------|--------------|
| Yarussi Construction, Inc.     | \$562,876.00 |
| 5650 Simmons Ave.              |              |
| Niagara Falls NY 14304         |              |
| Accadia Site Contracting, Inc. | \$616,670.00 |
| Mark Cerrone, Inc.             | \$638,346.00 |

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Yarussi Construction, Inc. in the amount of \$562,876.00. Funding is 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 Choolokian moved that the communication be received and filed and the recommendation approved.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

Chairman Touma said this is long overdue.

PLAYDAY FAMILY EVENTS, FUNDING

Agenda Item #5

The administration is requesting the use of \$2,000 in Tourism Fund Balance Account Code funds (T.0000.499.000) to host a PLAY DAY family event in conjunction with Major League Baseball, the United States Conference of Mayors and the Hyde Park Babe Ruth Little League.

The \$2,000 would be used to fund a free family movie at Hyde Park on August 10, 2015 at 8:30 pm. The City will rent a 35 foot inflatable screen, purchase the royalties to view the movie "Sandlot" and advertise the event to the public. This will be part of weeklong PLAYDAY events, focused around getting young people to be active in the sport of baseball and to enjoy the outdoors.

In July, Mayor Paul Dyster signed the PLAYBALL pledge with Major League Baseball and the United States Conference of Mayors, committing the City of Niagara Falls to take part in community based baseball activities in the month of August. In addition to the movie screening, Hyde Park Babe Ruth Little League will be hosting public PLAYDAY activities during the week of August 10, and the Mayor's Cup City-wide Baseball Championship will be hosted at the Niagara Falls High School Athletic Complex. Combined, these events will provide our community, and most importantly, the children of Niagara Falls will positive, constructive activities.

Will the Council vote to approve the expenditure of \$2,000 in Tourism Fund Balance Account funds to host the PLAYDAY event at Hyde Park on August 10 and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

Chairman Touma said more family events like this are needed.

CONTRACT: ACTUARIAL EQUIVALENCE TESTING, MILLIMAN, INC.

Agenda Item #6

The City Controller is recommending that the City retain the services of Milliman, Inc. ("Milliman") to perform actuarial equivalence testing in connection with the retiree drug subsidy. Milliman has much experience in this area and has worked in the past with Blue Cross and Blue Shield. The reports Milliman generates will likely result in the City receiving subsidy payments from the federal government. The cost of these actuarial services is \$5,000.00 for calendar year 2016. Funding is available from the City Controller's budget line number A.1315.0000.0451.000.

Will the Council so approve and authorize the Mayor to execute an engagement agreement in form satisfactory to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

CONTRACT: NYS FINANCIAL RESTRUCTURING BOARD

Agenda Item #7

In correspondence to the City Administrator dated October 9, 2013 the State of New York Financial Restructuring Board for local governments notified the City that the City of Niagara Falls is a municipality that is fiscally eligible to participate in this new program. Attached (on file in the City Clerk's Office) is a copy of that correspondence and an explanation of the program. Upon request by the City, the Board may undertake a comprehensive review of the City's finances and operations and recommend ways to improve its fiscal stability and the delivery of public services.

The Board also has the ability to offer grants and/or loans of up to \$5 million dollars in this regard. If the City, with Council approval at that time, agrees to undertake the Board's recommendations, it would be contractually bound to fulfill those terms in order to receive the aforementioned aid.

Will the Council so approve and authorize the Mayor to execute any pertinent agreements in order to obtain the review and recommendations of the Board?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

|   |   |
|---|---|
| Yea   | 4 |
| Anderson, Grandinetti, Walker, Chairman Touma |   |
| Nay   | 1 |
| Choolokian                                    |   |

APPROVED

Council Member Choolokian said the City is mismanaged and it is the job of elected officials to fix it.

Council Member Walker said the City should do what it can first before bringing someone from the outside but that is not happening. He is voting Yes in consideration of some of the financial issues the City is facing.

Chairman Touma thanked the City's Financial Advisory Panel for their work. They recommended turning to the NYS Financial Restructuring Board for help but any recommendations they make will need Council approval. More information is needed from others on the outside.

GRAND GARDENS OF THE NIAGARA PORTAGE, FUNDING

Agenda Item #8

The City has been asked to contribute the sum of \$1,000.00 to assist in the cost of the Grand Gardens of the Niagara Portage event scheduled to take place on July 18, 2015. The recipient of these funds will be the Oakwood Cemetery, as a portion of the event will take place there. The Oakwood Cemetery will then disburse dollars as appropriate.

Funding is available from Tourism Fund Balance.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

Council Member Grandinetti said this is a good use of Tourism Funds. Chairman Touma said this was a well organized event.

BUFFALO NIAGARA ENTERPRISE: MEMBERSHIP, FUNDING

Agenda Item #9

It is requested that the City be permitted to continue its membership in the BNE which is a non-profit regional research, marketing and business development organization committed to bringing jobs and investment to the eight counties of Western New York. Since 1999, the BNE has helped 272 companies to invest over 2.9 billion dollars in our region and retain more than 36,000 jobs. Attached (on file in the City Clerk's Office) hereto is the summary of some of the benefits provided to the City by the BNE during the last year of the City's membership. It is recommended that the City participate again this year at the \$50,000 per year level.

Funding is available from Casino Revenues.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 2 |
| Anderson, Choolokian                |   |

Council Member Choolokian said with the Financial Board in place, Casino funds should be used for economic development.

Council Member Grandinetti said she has been a longtime critic of the BNE but they are helping Solar City look towards Niagara Falls to be included in their Project.

Council Member Walker said there are a lot of Brownfield Sites in Niagara Falls, and we do not have the expertise, staff or connections to find investors for them. BNE will help to market these sites.

Chairman Touma said he went to a BNE conference and met many relator's who are working with the Solar City Project to find out more about Niagara Falls.

#### CITY PROPERTY: TRAIN STATION, NATIONAL GRID, EASEMENT

##### Agenda Item #10

National Grid has requested an easement to place their transformer on property related to the new train station to provide power to the station.

The Planning Board has reviewed this request and recommends that the Council approve same (a copy of the Planning Board report is attached) (on file in the City Clerk's Office).

The property where the easement is located, like the majority of the train station property, is currently owned by the New York State Department of Transportation which acted as the acquiring agency for the project.

At the completion of the station project the property will be transferred to the City and at that time the easement to National Grid will be granted and executed.

Will the Council approve the requested easement and authorize the Mayor to execute the Easement Agreement and any other documentation necessary, in a form acceptable to the Corporation Counsel, to effectuate same?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

#### CONTRACT: HIGHLAND AVE. FIRE HALL, ROOF REPLACEMENT, JOSEPH A. SANDERS & SONS, INC.

##### Agenda Item #11

A contract for the above referenced project was awarded to Joseph A. Sanders & Sons, Inc. on May 11, 2015 in the amount of \$168,872.00.

During the course of work, it was deemed necessary to repair interior roof drainage, piping, and clean the existing sewer lateral to allow newly install roof drains to work properly. These additions to the original scope of work added \$2,876f.11 to the original bid.

Since the existing funds schedule for roof repairs is not totally encumbered, additional money for this extra work is not needed.

To that end, please allow this (\$0.00) Change Order request for the scope change.

Will the Council vote to so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

Council Member Grandinetti said she met the new director of Isaiah 61 and she looks forward to finishing this Project so that the training program can continue.

CITY PROPERTY: 3625 HIGHLAND AVE, SALE

Agenda Item #12

3625 Highland Avenue, Niagara Falls, NY is an approximately 5.5 acre former industrial site located on the east side of Highland Avenue, Niagara Falls, NY, SBL No. 130.18-2-14. The property is owned by Nicolas P. Dalacu, and currently houses Mr. Dalacu's Niagara Science Museum. The full market assessed value of the property is \$72,200.00. It has been appraised at \$155,000.00. Mr. Dalacu has agreed to sell the property to the City for \$165,000.00. Casino revenue funds are available to pay the purchase price.

As part of the sale, Mr. Dalacu will pay the balance of a 2000 Community Development loan to Canrom Photovoltaics. The company is out of business. The loan was personally guaranteed by Mr. Dalacu. The balance of the loan with accrued interest is approximately \$32,000.00.

The taxes will be brought current in connection with the purchase, and Mr. Dalacu will also set aside \$30,000.00 for the continued operation of the museum.

Section 504 of the City Charter provides that the City shall not acquire any real property until the acquisition has first been referred to the Planning Board for a report. On July 8, 2015, the Planning Board recommended that the City acquire 3625 Highland Avenue for the purposes set forth herein. A copy (on file in the City Clerk's Office) of the Planning Board report is attached.

After the purchase by the City, the City will convey the land to Niagara Falls Urban Renewal Agency for no consideration. The property is in the Niagara Falls Core City Urban Renewal Area. NFURA will then lease the building housing the Niagara Science Museum to the Niagara Science Museum for 3 years at the rent of \$400.00 per month. The lease can be renewed at the discretion of NFURA. The \$30,000.00 set aside by Mr. Dalacu from the sale will be the source of the rent. The property will be exempt from taxes for so long as it is owned by the Urban Renewal Agency.

The acquisition of land by an Urban Renewal Agency for which there is no immediate development use is regulated by General Municipal Law §555. The acquisition procedure requires a Planning Board recommendation after a public hearing, and City Council approval after a City Council public hearing. Upon approval after the hearings, the Agency can accept the parcel and lease the building for the museum.

If the City Council approves the acquisition by the City today, it is expected that the transfer of the property to the City will be ready to close at the time the City Council acts on acquisition of the parcel by NFURA.

Once the property is under control of the City or NFURA, application can be made for Brownfield funds available to public entities. These funds can aid in the future development of the site and area.

Will the Council vote to acquire 3625 Highland Avenue for the purposes as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 2 |
| Anderson Choolokian                 |   |

APPROVED

Council Member Choolokian said there has been no commitment for development at this site.

Council Member Grandinetti said there is a lot of potential in the Highland Ave. area and this is a new opportunity to provide different kinds of jobs in the City other than Tourism related.

Chairman Touma said the City can apply for Brownfield Funds to fix this site.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #13

The following have requested City Council approval for  
Commissioner of Deeds for a term from October 1, 2015 to  
September 30, 2017.

This is in accordance with provision of the Niagara Falls City  
Charter, Article II, Section 7, Subdivision 5.

|                     |                     |
|---------------------|---------------------|
| Barlow, Eric        | NFFD                |
| Benjamin, Jeff      | NFFD                |
| Bielec, Shaun       | NFPD                |
| Cain, Carlton       | NFPD                |
| Carter, Kim         | Engineering         |
| Ciccarelli, Patrick | Code Enforcement    |
| Herbert, Latricia   | City Clerk's Office |
| Jones, Daniel       | NFPD                |
| Reynolds, James     | NFPD                |
| Rizzo, Kelly        | NFPD                |
| Steed, Owen         | NFPD                |
| Warmington, Paul    | NFPD                |

|                   |  |
|-------------------|--|
| Aberhold, Gerald  | 2481 Michigan Ave., Niagara Falls, NY 14305        |
| Baldwin, Kathy    | 839 17 <sup>th</sup> St., Niagara Falls, NY 14301  |
| Fasciano, Louisa  | 8321 Laughlin Dr., Niagara Falls, NY 14304         |
| Goodnick, Douglas | 241 84 <sup>th</sup> St., Niagara Falls, NY 14304  |
| Mayes, William    | 243 77 <sup>th</sup> St., Niagara Falls, NY 14304  |
| Salada, Denise    | 621 71 <sup>st</sup> St., Niagara Falls, NY 14304  |
| Shank, Victoria   | 1839 Niagara Ave., Niagara Falls, NY 14305         |
| Trimmer, Maureen  | 3611 Chapin Ave., Niagara Falls, NY 14301          |
| Ward, Diane M.    | 1416 13 <sup>th</sup> St., Niagara Falls, NY 14305 |

Council Member Walker moved that the communication be received and  
filed and the recommendation approved.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY  
COMMISSION

CRESCENT DR., WEST SIDE, INSTALL "NO PARKING, NOVEMBER 1 TO APRIL 1"

Agenda Item #14

At the Traffic Advisory Commission meeting held on July 7, 2015 the  
Commission recommended APPROVAL of the following item:

INSTALL "NO PARKING, NOVEMBER 1 TO APRIL 1" RESTRICTION ON  
CRESCENT DRIVE, WEST SIDE, FROM JAMES AVENUE SOUTH TO THE  
DEAD END

This will allow city plows & emergency vehicles access into & out  
of this short, dead end roadway in the winter months. A Petition from  
the residents of this block was received with 69% signatures.

Submitted By: Steve Kielbasa, 4207 Crescent Drive & petition from  
residents of block

It is requested that City Council approve this recommendation.  
Council Member Anderson moved that the communication be received  
and filed and the recommendation approved.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

2016 PINE AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #15

At the Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2016 PINE AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Joshua Cline, 2016 Pine Avenue (Lower Rear)

It is requested that City Council approve this recommendation. Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

2926 GRAND AVE., INSTALL "NO STANDING ANYTIME" RESTRICTION

Agenda Item #16

At the Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended APPROVAL of the following item:

INSTALL A "NO STANDING ANYTIME" RESTRICTION (FOR THE LENGTH OF A VEHICLE) IN FRONT OF 2926 GRAND AVENUE

This was approved in place of an existing 5' handicapped access space, as an exception, due to the island in the center of the roadway, to provide drop off/pick up (only) for a handicapped resident. Currently, with the island in the center of Grand Avenue, use of the 5' handicapped access space often results in the driving lane being blocked by the pickup vehicle. This new restriction will allow pickup/drop off at the curb thereby alleviating this problem.

Submitted By: Patricia Sciarrino, 2926 Grand 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.

Yea  
Nays

5  
0

APPROVED

ROSELLE AVE., INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #17

At a Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON ROSELLE AVENUE BETWEEN  
McKOON AVENUE & DEVEAUX STREET

A Petition from the residents of this block was received with 75% signatures.

Submitted By: Jen Clyde, 4205 McKoon Avenue & Petition/Residents of Block

It is requested that City Council approve this recommendation. Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0  
APPROVED

331 BUFFALO AVE., REMOVE THE TWO HOUR PARKING RESTRICTION

Agenda Item #18

At the Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended APPROVAL of the following item:

REMOVE THE TWO HOUR (8 AM - 6 PM) PARKING RESTRICTION  
IN FRONT OF 331 BUFFALO AVENUE

This two space area was originally signed for two hour parking in 2006 when this building was utilized as a lawyer's office to provide in/out access for clients and to prevent all day parking by casino employees. These issues no longer exist since the building is now a private residence, and the casino employees have their own lots for parking.

Submitted By: Sister Nora Sweeney, Daughters of Charity, 331 Buffalo 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.

Yea  
Nays

5  
0  
APPROVED

1121 NORTH AVE., INSTALL A 5" HANDICAPPED ACCESS SPACE

Agenda Item #19

At the Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 1121 NORTH AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Ted Gilmer, 1121 North 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.

Yea  
Nays

5  
0  
APPROVED

31 A ST., INSTALL A 5" HANDICAPPED ACCESS SPACE

Agenda Item #20

At the Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 31 A STREET

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Georgette Coty, 31 A 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.

Yea  
Nays

5  
0  
APPROVED

RESOLUTION: WORLD BREASTFEEDING WEEK, RECOGNIZING, 2015-59  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #21

WHEREAS, Catholic Charites WIC Erie & Niagara Counties, in support of World Breastfeeding Week, has organized a Breastfeeding Walk & Healthy Baby Festival. The event is scheduled to take place on Wednesday, August 8, 2015 at Hyde Park Splash Pad from 11:00am - 1:00pm; and

WHEREAS, World Breastfeeding Week is currently in its 22<sup>nd</sup> year, being celebrated in more than 170 Countries worldwide; and

WHEREAS, World Breastfeeding Week 2015 campaign will aim to empower and support ALL women, working in both the formal and informal sectors, to adequately combine work with child-rearing, particularly breastfeeding; and

WHEREAS, breastfeeding is essential in providing a child with all the antibodies and nutrients she or he needs to stop from getting ill in the future; and

WHEREAS, breastfeeding has a great impact on a child's development and growth.

NOW, THEREFORE, BE IT RESOLVED, the Niagara Falls City Council does hereby acknowledge and support World Breastfeeding Week.

Yea  
Nays

5  
0  
ADOPTED

RESOLUTION: WASHCALUS, CARLY, CONGRATULATING, 2015-60  
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #22

WHEREAS, Carly Washcalus, a Niagara Falls City School District student, scheduled to attend LaSalle Preparatory School's Accelerated Academic Program in the fall, will be traveling to Orlando, FL to compete in the USA National Miss Scholarship Pageant; and

WHEREAS, Carly will be competing in three major categories in the pageant; and WHEREAS, Carly believes it is important to be a leader in school as well as in the community and does so by promoting her platform, "Get involved in your Community"; and

WHEREAS, Carly encourages her fellow classmates and friends to get involved in the community to make our city a better place; and

WHEREAS, Carly is an inspiration to others as she has logged over 100 volunteer hours working in the community at places like Community Missions and Northgate Nursing Home, while also supporting organizations such as the American Cancer Society, Children's Miracle Network and the Lion's Club; and

WHEREAS, Carly was the Lion's Club Citizenship Award winner as well as the Kohl's Care Scholarship Award Recipient; and

NOW, THEREFORE, BE IT RESOLVED, the Niagara Falls City Council does hereby congratulate Carly Washcalus for being an outstanding citizen of our great city and wishes her luck as she competes in the USA National Miss Scholarship Pageant.

Yea  
Nays

5  
0  
ADOPTED

RESOLUTION: GROMOSIAK, PAUL, HONORING, 2015-61  
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #23

WHEREAS, Paul Gromosiak, former Historian of the City of Niagara Falls, has made a great impact on our city in his journey to keep history alive. Born on August 21, 1942, Paul began learning about history at a young age. His father would often tell him stories about early life on the Niagara Frontier, that sparked Paul's fascination and he began researching Niagara's natural and human past; and

WHEREAS, Paul graduated from Niagara University with a B.S. in Chemistry. He went on to the state of New York University where he received his certification in mathematics, chemistry and general science. Paul was a chemistry teacher in the Niagara Falls School District as well as a chemist for both the Eastman Kodak Company and The Hooker Chemical Corporation; and

WHEREAS, Paul's passion for history and educating has been the motivation of his latest creation - a prototype he built with his greatest vision in mind, The "Experience Center of Niagara," a historical center that will honor natural history, Native American history, the French and British colonial period and of course American history; and

WHEREAS, Paul has written nine books about the Mighty Niagara. His books provide fascinating facts about many must see attractions. He has also written *Niagara Falls Q&A; Answers to the Most Common Questions about Niagara Falls*, one of the region's most popular titles; and

NOW, THEREFORE, BE IT RESOLVED, the Niagara Falls City Council does hereby honor Paul Gromosiak for his hard work, dedication and determination in keeping our history alive.

Yea  
Nays

5  
0

ADOPTED

RESOLUTION: MICRO-ENTERPRISE PROJECT PROPOSAL, FUNDING APPLICATION, 2015-62

BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #24

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application- through the State of New York's Regional Economic Development Council for the above referenced project with a total cost of approximately \$200,000 with State assistance of up to \$100,000 and a local share of up to \$100,000; and

WHEREAS, the N.F. C. Development Corp. (NFC) was established by City Council to provide programs relieving and reducing unemployment, bettering and maintaining job opportunities, and providing aid to attract new business or retain business within the City of Niagara Falls, New York; and

WHEREAS, the City of Niagara Falls through the NFC will be better able to fulfill its mission by being able to offer financial assistance on a more sustainable basis to local small businesses and startup entrepreneurs, by allocating \$100,000 of its 2015 budget as matching funds to this expanding Micro-Enterprise Project Proposal; and

WHEREAS, the full amount of the local share is available from NFC.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 2 |
| Anderson, Choolokian                |   |

ADOPTED

Council Member Choolokian said for this item and the next 3, he is not opposed to the Projects but it is the wrong time because matching funds from the City are not available

Council Member Grandinetti said these grants will help small business people.

Chairman Touma said the NFC has been very successful and the matching funds will not come from the City.

RESOLUTION: LASALLE GREENWAY TRAIL, FUNDING APPLICATION, 2015-63  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #25

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application- Environmental Protection Fund for the above referenced project with a total cost of approximately \$820,000 with State assistance of up to \$410,000 and a local share of up to \$410,000; and

WHEREAS, matching funds will be available through Power Authority's Niagara River Greenway funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 2 |
| Anderson, Choolokian                |   |

ADOPTED

Chairman Touma said Greenway funds will be used for the local share with no money coming from the City.

RESOLUTION: HARRIET TUBMAN PLAZA CUSTOMHOUSE, FUNDING APPLICATION, 2015-64  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #26

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application - Environmental Protection Fund for the above referenced project with a total cost of approximately \$262,000.00. State assistance is up to \$131,000.00, and a local share of up to 131,000.00; and

WHEREAS, other sources of matching funds may be available to reduce the Project's local share substantially, the full amount of the local share is available through Power Authority's Niagara River Greenway funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

|     |   |
|-----|---|
| Yea | 3 |
|-----|---|

|                                     |  |
|-------------------------------------|--|
| Grandinetti, Walker, Chairman Touma |  |
|-------------------------------------|--|

|     |   |
|-----|---|
| Nay | 2 |
|-----|---|

|                      |  |
|----------------------|--|
| Anderson, Choolokian |  |
|----------------------|--|

ADOPTED

Chairman Touma said Greenway funds will be used for the local share with no money coming from the City.

RESOLUTION: HIGHLAND AVE. TECHNOLOGY & BUSINESS PARK, 2015-65  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #27

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application - Empire State development Corp. for the above referenced project with a total cost of approximately \$1,000,000 with State assistance of up to \$600,000 and a local share of up to \$400,000; and

WHEREAS, the City of Niagara Falls is acquiring and will re-develop a 5.5 acre parcel at 3625 Highland Avenue as the first phase of a planned business park within the Highland Avenue Brownfield Opportunity Area; and

WHEREAS, the this first phase of redevelopment will prevent a chronically vacant, blighted site from retracting from further progress at redeveloping the Highland industrial area and neighborhood; and

WHEREAS, the City further intends to transform this NYS-designated Brownfield Opportunity Area (BOA) priority brownfield site into a prosperous, economically diverse location capable of attracting new investment, new tax base, and new employment opportunities; and

WHEREAS, other grant sources may be available to reduce the Project's local share substantially, the full amount of the local share is available from casino revenues.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

|     |   |
|-----|---|
| Yea | 3 |
|-----|---|

|                                     |  |
|-------------------------------------|--|
| Grandinetti, Walker, Chairman Touma |  |
|-------------------------------------|--|

|     |   |
|-----|---|
| Nay | 2 |
|-----|---|

|                      |  |
|----------------------|--|
| Anderson, Choolokian |  |
|----------------------|--|

ADOPTED

Chairman Touma said this will attract new investors and increase the tax base.

RESOLUTION: WILLING WORKERS PICNIC, WAIVER OF RENTAL FEES, 2015-66  
BY: COUNCIL MEMBER CHARLES WALKER

Agenda Item #28

WHEREAS, the Niagara Falls City Council wishes to do its part to foster the community bonds that are strengthened by the Willing Workers Senior Group of the Mount Erie Baptist Church,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls does hereby waive the fee for rental of the Oasis at Hyde Park for the August 11, 2015 Willing Workers Picnic.

Yea

5

Nays

0

ADOPTED

RESOLUTION: BRUNDIDGE FAMILY REUNION, CELEBRATING, 2015-67  
BY: COUNCIL MEMBER CHARLES WALKER

Agenda Item #29

WHEREAS, FAMILY is society's oldest and most resilient institution; and

WHEREAS, from the beginning of human life, people have grouped themselves into families to find emotional, physical, and communal support; and

WHEREAS, the value of FAMILY endures as it is the heart and soul of human society; and

WHEREAS, the Brundidge family has been a part of Niagara Falls for many years and we appreciate the advocacy work of the late Michael Brundidge; and

WHEREAS, the Brundidge family will be celebrating many generations at their family reunion during the weekend of July 24 - 26, 2015.

NOW, THEREFORE, BE IT RESOLVED, the Niagara Falls City Council does hereby welcome the Brundidge Family Reunion, as they celebrate family. We hope that you have a joyous and memorable celebration.

Yea

5

Nays

0

ADOPTED

PUBLIC WORKS/PARKS, "LET'S PLAY" GRANT, PLAYGROUND IMPROVEMENTS

Agenda Item #30

The City has been awarded a "Let's Play" Grant in the amount of \$15,000 from Dr. Pepper Snapple Group and KaBOOM (please see attached e-mail). This pertains to the Hyde Park Playground improvements.

Will the Council approve this grant and authorize the Mayor to execute any grant agreement in form satisfactory to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:40 P.M.

Carol A. Antonucci  
City Clerk



September 3, 2015

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

---

August 31, 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 Thursday, September 3, 2015 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Appropriate funding for water line replacement on 72<sup>nd</sup> Street.
2. Approve grant application to Environmental Facilities Corp. to partially fund the 72<sup>nd</sup> Street water line replacement.

Respectfully submitted,

---

Andrew Touma, Council Chair

The September 3, 2015 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Andrew Touma at 4:25 PM 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 Dona Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

During a lengthy discussion before the voting began, Council Member Anderson asked for clarification on the source of funding for the water line repairs on 72<sup>nd</sup> Street. Mayor Paul Dyster and City Controller Maria Brown explained that all the money for the water line repairs would be taken from the Casino funds that had been set aside for repairs to Portage Road, since that Project would not be completed this year. If and when a Grant is received for the water line repairs, the funds would be put back into the line for the road repairs. Council Member Anderson emphasized that the road repairs still need to be done.

Council Member Grandinetti asked when the test holes were dug on 72<sup>nd</sup> Street. The Mayor responded that drilling and testing were begun in May and lasted until the end of July. The City received it's contractor's report at the end of July, and the report from the Water Board's contractor was hand delivered a few hours before this Meeting began. The Water Board also sent a letter stating that the Board was willing to assist the City in the Grant application process.

Council Member Choolokian asked if they City would seek any reimbursement for repair costs from the Water Board, and the Mayor said that the Law Department was preparing an agreement with the Water Board to propose that the City and the Water Board split the remaining costs not covered by any Grant funding that is received. Council Member Choolokian questioned who is responsible for payment of the repairs, and the Mayor responded that the City has paid for some repairs in the past, but, at this time, the priority is to identify and fix the problems to help the citizens, and deal with the legalities later.

Council Member Walker asked if the Water Board was holding the City liable for the issue, and the Mayor said not at this time.

Council Member Anderson asked if a City Engineer had been hired, and the Mayor responded that the position of City Engineer had not been funded in the 2015 Budget, but he would address the matter in preparing the 2016 Budget.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CONTRACT: 72<sup>ND</sup> STREET WATER LINE, FUNDING

Agenda Item #1

The City is in the process of bidding the above referenced project.

Elsewhere on your agenda is an item authorizing a grant application to obtain partial funding for this project. As part of the application, the City is required to have funding in place for the full amount of the anticipated project cost. It is therefore requested that the Council appropriate \$676,400 as follows: \$502,124 from funds previous appropriated for the City's paving program and \$174,276 from Casino Revenue.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nay

0

APPROVED

Chairman Touma said the City was taking the lead on this Project to help the residents.

RESOLUTION: WATER MAIN IN 72<sup>ND</sup> STREET, REPLACEMENT, NYS WATER GRANT, 2015-68  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #2

WHEREAS, the New York State Infrastructure Improvement Act of 2015 provides for grants to assist municipalities in funding water quality infrastructure projects; and

WHEREAS, the City of Niagara Falls is proceeding to replace the water main in 72<sup>nd</sup> Street to address issues with frozen water services preventing residents from receiving water during the last winter; and

WHEREAS, the City seeks to apply to the New York State Department of Health and the Environmental Facilities Corporation for a grant under the New York State Water Grant Program up to the amount of \$676,400.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City is authorized to apply to the New York State Department of Health and the Environmental Facilities Corporation for a New York State water grant up to the amount of \$676,400.00; and be it further

RESOLVED, that the Mayor is authorized to execute the grant application and any and all other documents necessary to effectuate the grant application and/or the receipt of the grant.

Yea

5

Nay

0

ADOPTED

Mayor Dyster expressed his thanks to the Council Members and the Water Board for addressing this issue to help the citizens.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 4:50 PM.

Carol A. Antonucci  
City Clerk



**SEPTEMBER 8, 2015**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

---

The first session of the September 8, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:06 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members 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 Meeting of July 20, 2015.

Yea  
Nays

5  
0

APPROVED

Council Member Walker read a Resolution honoring former Council Member Barbara Ann Geracitano (Agenda Item #20), and the Council Members presented a copy of the Resolution to her family members.

Council Member Grandinetti read a Resolution honoring Laurie J. Davis (Agenda Item #22), and the Council Members presented a copy of the Resolution to her family members.

Council Chairman Touma read a Resolution honoring Arthur Vincent Curcione (Agenda Item #21), and the Council Members presented a copy of the Resolution to his family members.

Community Development Director Seth Piccirillo spoke on the Department's 2016 Action Plan, and said that the Plan was ready for public comment.

In the Administrative Update, Mayor Paul Dyster said that the paving program continues on target.

Mayor Dyster thanked all who helped with the City's Grant Application for water line repairs. Council Member Choolokian asked about the water line repairs on Independence Avenue, and the Mayor responded that the report from the Water Board's consultant had just been received, and that area would be next to be addressed. Chairman Touma asked if bids had been received for the work, and the Mayor replied that the bids were not out yet, but that should happen by the end of the month. Chairman Touma noted the number of cones that were on the streets where water cuts had been done, and Mayor Dyster said that the final work had not been done at those spots, and there were calls in to the Water Board for many of the spots. Mayor Dyster explained that when the Water Board finishes with the water cuts, they top the area with stones, and then concrete, and mark the spot with the cones. The cones are removed when the City finishes with blacktop over the area. Council Member Anderson added that an area on 73rd Street still has the stones on it.

Mayor Dyster informed the Council Members that Agenda Item #4, relative to Security Guard Services, was pulled from the Agenda.

Chairman Touma said that there will be a Walk against Violence in Jordan Gardens on September 12, and welcomed anyone who wished to join.

This Session ended at 5:35 PM

Chairman Touma reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. Council Chairman Touma said the prayer and led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

|                |   |
|----------------|---|
| Ron Anderluh   | Agenda Items #20, #21, #22  |
| Gerald Skrlin  | Agenda Item #6  |
| Ken Hamilton   | Agenda Items #9, #14, #20, #21, #25   |
| Ron Anderluh   | Parking revenues; downtown traffic; outstanding traffic violations; include Gill Creek Park restrooms & expand Ranger Program to cover Parks in 2016 CD Budget              |
| Gerald Skrlin  | Conditions at 170 Buffalo Ave.; issues with various City Depts.   |
| Timothy Mielke | Various City issues   |
| Ken Hamilton   | Instead of onsite memorials, suggested that families use Adopt a Highway program to honor deceased loved ones; Memorial Day Parade funding; New Jersey Ave. upkeep by City. |

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JULY 2015

Agenda Item 1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S CLAIM REPORT FOR THE MONTHY OF JULY 2015

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S CLAIM REPORT FOR THE MONTH OF AUGUST 2015

Agenda Item #3

THIS ITEM WAS RECEIVED AND FILED.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SECURITY GUARD SERVICES, G4S SECURE SOLUTIONS

Agenda Item #4

HIS ITEM WAS PULLED FROM THE AGENDA. NO ACTION TAKEN ON THIS ITEM

CONTRACT: ICE RINK FLOOR & DASHER BOARD REPLACEMENT, SCRUFARI CONST.

Agenda Item #5

A contract for the above referenced project was awarded to Scrufari Construction Services Inc., on March 9, 2015 in the Amount of \$660,900.00.

During the removal of the existing concrete flooring, it was discovered that the building's column structural ties were not installed in accordance with the original plans. An alternate method of connecting to the rinks concrete slab was incorporated. This installation is necessary for the structural integrity of the building. Since this was discovered only after the removals the extent and scope could not have been foreseen. This required subsequent work including labor, materials and overhead & profit is \$75,359.00.

In the bidding process, interior painting was removed and lead abatement painting was added. To leave the interior paint for a future Phase does not make sense from an economic and logistic prospective, so we have included the walls in this change order at the contract price of \$21,840.00.

It is the recommendation of the undersigned that Change Order #1 in the amount of \$97,199.00 be approved. Sufficient funds exist in a Bond Resolution approved by City Council for this project.

Will the council vote to approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Council?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

BUFFALO AVE. HERITAGE DISTRICT, MICROGRANT PROGRAM EXTENSION AND AMENDMENT

Agenda Item #6

In 2010, the City and USA Niagara Development Corporation established a Buffalo Avenue Heritage District Microgrant Program. The Heritage District is the only residential area within the USA Niagara Boundaries. The program provides matching assistance for owner-occupied residences of up to \$10,000 per property. The funds are used for exterior building improvements, code violation correction, and site improvements.

With the reconfiguration of the Robert Moses Parkway and State Park improvements, there has been renewed interest in the program. The Microgrant Program was originally set up for 5 years. The 5 year cooperative agreement between the City and USA Niagara expired on July 10, 2015. USA Niagara and the City of Niagara Falls Economic Development Department are proposing an extension of the program and agreement for another 5 years.

The original appropriation for the program was \$100,000, with USA Niagara depositing \$50,000 with the City, and the City matching the deposit with \$50,000 of casino revenues. About 20% of the funds have been paid out in grants to date.

USA Niagara has also proposed amending the program to include residential rental property. Expanding the program to residential rental properties in addition to owner-occupied structures will allow the preservation and rehabilitation of more of the heritage structures within this special district.

Will the Council vote to approve a 5-year extension and amendment to include residential rental property of the microgrant program as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

CONTRACT: SCHOOL DISTRICT, SERVICES FOR THE BILLING AND COLLECTION OF THE TAX LEVY FOR 2015-2016

Agenda Item #7

In prior years, the City has had an agreement in place with the City School District of the City of Niagara Falls ("the School District") which provides for the City to perform the necessary services each year to bill and collect School District property taxes. It is requested that this agreement be renewed for the 2015-2016 School District tax year. In consideration for the performance of the services, the City will be paid the sum of \$61,631.30 by the School District with an increase in the amount of the Regional Northeast CPI for calendar year 2015 when it has been determined; this amount also includes the cost of postage.

Will the Council so approve and authorize the Mayor to execute an agreement which is in form and substance satisfactory to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

Nays

5

0

APPROVED

CITY HALL AIR CONDITIONER/CHILLER UNIT, EMERGENCY REPAIR, FUNDING

Agenda Item #8

The City Hall air conditioning system broke down recently. An analysis of the problem has resulted in the conclusion that the compressor needs to be replaced. Estimates were obtained from different contractors. Attached hereto (on file in the City Clerk's Office) is a copy of the estimates.

It is requested that the sum of \$27,100 be made available for the purpose of paying for this replacement compressor and installing the same.

Funding is available through casino revenue.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

Nays

5

0

APPROVED

CONTRACT: YOUTH DEVELOPMENT PROGRAM 2015, NIAGARA COUNTY

Agenda Item #9

It is recommended that the City undertake and carry out the Niagara Falls Youth Board Recreation Program on behalf of the Niagara County Department of Social Services and the Niagara County Youth Bureau (the "County"). The City will be undertaking certain recreational activities for City youth on behalf of the County. In consideration for the City undertaking and carrying out these recreational programs, the County will pay the City an amount not to exceed \$24,850.00. The term of this agreement will be from 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 Walker moved that the communication be received and filed and the recommendation approved.

Yea

Nays

5

0

APPROVED

Chairman Touma said he likes the idea of consolidating the Program with the County.

CONTRACT: WORKER'S COMPENSATION CLAIMS, NORTHEAST ASSOCIATION MANAGEMENT, INC.

Agenda Item #10

Since 2005, the City's Workers' Compensation claims have been handled by the Public Employees Risk Management Association ("PERMA"). This includes both claims existing prior to 2005 and the claims that have arisen since joining PERMA in 2005.

The pre-2005 claims have been handled through PERMA's affiliated entity Northeast Association Management, Inc. ("NEAMI") as the third party administrator for the claims. Changes last year by the Workers' Compensation Board required that the City enter into a separate agreement with NEAMI to provide this service.

This is handled on a yearly basis beginning on September 1 of each year.

It is now time to enter into a renewal agreement with NEAMI for the September 2015 to September 2016 year. The claims will continue to be handled on the same basis and it is recommended that the Council authorize the Mayor to execute an agreement with NEAMI in a form acceptable to the Corporation Counsel.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nay

0

APPROVED

CONTRACT: LASALLE FACILITY, USE BY CAYUGA GAMBLERS TRAVEL SOFTBALL LEAGUE

Agenda Item #11

The City has once again been requested by the Cayuga Gamblers Travel Softball League to use the LaSalle facility for its fall, winter and spring season 2015-16. Utilization would be for full days on Saturdays and Sundays as the League has done during the past ten years. Attached (on file in the City Clerk's Office) is a copy of correspondence containing this request.

Will the City allow the League to utilize the LaSalle facility as requested in exchange for a fee of \$100.00 to apply to administrative expenses?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nay

0

APPROVED

CITY PROPERTY: 4300 CRESCENT DRIVE, SALE

Agenda Item #12

4300 Crescent Drive is currently a City owned vacant house acquired in the In-Rem process. It was included in the most recent 2015 Niagara Falls Community Development Auction. Elaina Velky was the successful bidder and has agreed to pay \$18,000.00 to purchase the Premises. She will agree to abide by the following conditions:

1. Reside at the Premises as the primary occupant for no less than five (5) years.
2. Rehabilitate the Premises up to code within twelve (12) months of property acquisition from the City.
3. Submit a detailed repair/rehabilitation plan within sixty (60) days of acquiring the property from 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 auction is to restore a City-owned property to the tax rolls, prevent a possible City-funded demolition, rehabilitate a structure and increase homeownership.

The Planning Board has reviewed this matter and has recommended that the City Council approve the sale. Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board recommendation.

Will the Council so approve and authorize the Mayor to execute a deed and any other ancillary document required to accomplish this sale which are in form and content acceptable to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

CITY PROPERTY: 4377 CRESCENT DRIVE, SALE

Agenda Item #13

4377 Crescent Drive is currently a City owned vacant house acquired in the In-Rem process. It was included in the most recent 2015 Niagara Falls Community Development Auction. Chantal Thomas was the successful bidder and has agreed to pay \$2,300.00 to purchase the Premises. She will agree to abide by the following conditions:

1. Reside at the Premises as the primary occupant for no less than five (5) years.
2. Rehabilitate the Premises up to code within twelve (12) months of property acquisition from the City.
3. Submit a detailed repair/rehabilitation plan within sixty (60) days of acquiring the property from 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 auction is to restore a City-owned property to the tax rolls, prevent a possible City-funded demolition, rehabilitate a structure and increase homeownership.

The Planning Board has reviewed this matter and has recommended that the City Council approve the sale. Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board recommendation.

Will the Council so approve and authorize the Mayor to execute a deed and any other ancillary document required to accomplish this sale which are in form and content acceptable to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

SECONDHAND DEALER LICENSES, APPROVAL

Agenda Item #14

Chapter 338 of the Codified Ordinances states: "338.03..City Council may grant a license to carry on the business of secondhand dealer within the City..."

The following has submitted an application for a secondhand dealer license. These applications have been approved by the Niagara Falls Police Department.

Uzed Dealz  
1715 Pine Ave  
Niagara Falls, NY 14301

Niagara Coin & Collectables  
509 Third St  
Niagara Falls, NY 14301

Niagara Metals LLC.  
4861 Packard Road  
Niagara Falls, NY 14304

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: PHILADELPHIA INSURANCE COMPANIES A/S/O STEVEN'S DRIVING SCHOOL

Agenda Item #15

|                        |   |
|------------------------|---|
| Date Claim Filed:      | March 27, 2015  |
| Date Action Commenced: | N/A   |
| Date of Occurrence:    | February 17, 2015   |
| Location:              | 95 <sup>th</sup> Street and Colvin Boulevard,<br>Niagara Falls, NY        |
| Nature of Claim:       | Automobile damage sustained in an<br>accident with City vehicle.          |
| City Driver:           | Daniel Gravelle   |
| Status of Action:      | Claim stage.  |
| Recommendation/Reason: | Best interests of City to pay<br>claim.                                   |
| Amount to be Paid:     | \$3,790.15  |
| Make Check Payable to: | Philadelphia Insurance Companies<br>a/s/o Steven's Driving School,<br>LLC |

Conditions:

General Release to City, approved  
by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

CLAIM: SZAFRAN, DENISE J.

Agenda Item #16

|                        |   |
|------------------------|---|
| Date Claim Filed:      | March 23, 2015  |
| Date Action Commenced: | N/A   |
| Date of Occurrence:    | February 9, 2015  |
| Location:              | 2200 block of Forest Ave alley                                |
| Nature of Claim:       | Automobile damage sustained in an accident with City vehicle. |
| City Driver:           | Michael C. Bower  |
| Status of Action:      | Claim stage.  |
| Recommendation/Reason: | Best interests of City to pay claim.                          |
| Amount to be Paid:     | \$1,038.15  |
| Make Check Payable to: | Denise J. Szafran   |
| Conditions:            | General Release to City, approved by Corporation Counsel.     |

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

CLAIM: TRINIDAD, MANUEL

Agenda Item #17

|                        |   |
|------------------------|---|
| Date Claim Filed:      | June 8, 2015  |
| Date Action Commenced: | N/A   |
| Date of Occurrence:    | May 28, 2015  |
| Location:              | Marine Memorial Drive and 102 <sup>nd</sup> Street            |
| Nature of Claim:       | Automobile damage sustained in an accident with City vehicle. |
| City Driver:           | Hugh Leftwich   |
| Status of Action:      | Claim stage.  |
| Recommendation/Reason: | Best interests of City to pay claim.                          |
| Amount to be Paid:     | \$766.86  |
| Make Check Payable to: | Manuel Trinidad   |
| Conditions:            | General Release to City, approved by Corporation Counsel.     |

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

|      |   |
|------|---|
| Yea  | 5 |
| Nays | 0 |

APPROVED

RESOLUTION: TRAFFIC ADVISORY COMMISSION, REAPPOINTMENTS, 2015-69  
BY: COUNCIL CHAIRMAN TOUMA, COUNCIL MEMBERS: CHOOLOKIAN, GRANDINETTI,  
WALKER

Agenda Item #18

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Traffic Advisory Commission Board, effective December 31, 2015 for the term expiring on the date which appears opposite their name:

| <u>RE-APPOINTMENT</u>  | <u>TERM EXPIRES:</u> |
|--|----------------------|
| Stephen Urbaniak<br>689 - 78 <sup>th</sup> Street<br>Niagara Falls, NY 14304 | 12/31/2020           |
| Stanley Horab<br>9133 Griffon Avenue<br>Niagara Falls, NY 14304              | 12/31/2020           |
| Yea  | 5                    |
| Nay  | 0                    |
| ADOPTED  |                      |

RESOLUTION: ASSESSMENT REVIEW BOARD, REAPPOINTMENT, 2015-70  
BY: COUNCIL CHAIRMAN TOUMA, COUNCIL MEMBERS: CHOOLOKIAN, GRANDINETTI,  
WALKER

Agenda Item #19

BE IT RESOLVED, that the following individuals are hereby reappointed and appointed to the City of Niagara Falls Assessment Review Board, effective September 30, 2015 for the term expiring on the date which appears opposite their name:

| <u>RE-APPOINTMENT</u>   | <u>TERM EXPIRES:</u> |
|---|----------------------|
| Bridget Edwards<br>6044 Devlin Ave<br>Niagara Falls, NY 14304 | 09/30/2020           |
| Yea   | 5                    |
| Nay   | 0                    |
| ADOPTED   |                      |

RESOLUTION: GERACITANO, BARBARA ANN, HONORING, 2015-71  
BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, the Niagara Falls City Council wishes to honor the memory of Barbara Ann Geracitano, former City Councilwoman for the City of Niagara Falls; and

WHEREAS, Barbara Ann Geracitano was elected in 1988, becoming the first woman to ever hold office as a member of the Niagara Falls City Council, serving as a three-term member; and

WHEREAS, Barbara was a great businesswoman as well as a dedicated leader for the City that she loved so dearly. She owned and operated *Barbara Ann's Beauty Salon* on Third Street for over 50 years and was known for getting things done for her constituents. She was true to her City.

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council does hereby honor Barbara Ann Geracitano for her hard work and dedication to our City.

|         |   |
|---------|---|
| Yea     | 5 |
| Nay     | 0 |
| ADOPTED |   |

RESOLUTION: CURCIONE, ARTHUR VINCENT, HONORING, 2015-72  
BY: ALL COUNCIL MEMBERS

Agenda Item #21

WHEREAS, the Niagara Falls City Council wishes to honor the memory of Arthur Vincent Curcione, former Niagara County Legislator, a veteran and an ambitious businessman; and

WHEREAS, Arthur Vincent Curcione was elected in 1969 to the Legislature, serving a total of 20 years in office while maintaining a successful business on Pine Avenue, Arthur V Curcione & Sons United Floor Covering for 48 years; and

WHEREAS, Art took great care of all the people in his district and made an effort to help the people he came in contact with; and

WHEREAS, Art received many accolades and awards for his civic and public service. He received the Columbian Award for his service to the Cristoforo Colombo Society and the Distinguished Service Award in 2010, for his years on the Board of the Niagara Falls Boys and Girls Club.

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council does hereby honor Arthur Vincent Curcione for his dedicated service to our City as well as a great hero to our Country while honorably serving in the US Navy during WWII and in the Civilian Conservations Corp.

Yea  
Nays

5  
0

ADOPTED

RESOLUTION: DAVIS, LAURIE J., HONORING, 2015-73  
BY: ALL COUNCIL MEMBERS

Agenda Item #22

WHEREAS, the Niagara Falls City Council wishes to honor the memory of Laurie J. Davis, an active member of many organizations throughout the City of Niagara Falls, devoted to the City and community; and

WHEREAS, Laurie J. Davis a devoted member of the Niagara Falls Planning Board, Tourism Advisory Committee, a twenty year member and treasurer of the Main Street Business and Professional Association, and treasurer for the Niagara Community Action Program, Inc.; and

WHEREAS, Laurie was chairperson of the Citizen Advisory Committee, appointed by the City Council and Mayor; and

WHEREAS, Laurie was a lifetime member of Friends of Local History and the Niagara Falls Kiwanis club; and

WHEREAS, Laurie was actively involved with the American Canadian Goodwill Luncheon, Kash for Kids, Opportunities Unlimited, Niagara Beautification, Bash against Bullies, the Peach Festival, Salvation Army and the chairing of many events,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council does hereby honor Laurie J. Davis for her commitment, hard work and dedication to the City of Niagara Falls, which we greatly appreciate.

Yea  
Nays

5  
0

ADOPTED

RESOLUTION: WORLD BREASTFEEDING WEEK, AMENDING DATE, 2015-74  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #23

WHEREAS, the Niagara Falls City Council approved Resolution #21 (Relative to Recognizing World Breastfeeding Week) during its July 20, 2015 Council meeting; and

WHEREAS, the correct date of the Breastfeeding Walk & Healthy Baby Festival, sponsored by the March of Dimes is Wednesday, August 5, 2015,

NOW, THEREFORE, BE IT RESOLVED, by the City Council that the incorrect date of Wednesday, August 8, 2015 be replaced with the correct date of August 5, 2015 for the festival.

Yea

5

Nays

0

ADOPTED

RESOLUTION: WILLING WORKERS PICNIC, AMENDING DATE, 2015-75  
BY: COUNCIL MEMBER CHARLES WALKER

Agenda Item #24

WHEREAS, the Niagara Falls City Council approved Resolution #28 (Relative to Waiver of Hyde Park Oasis Rental Fees for 2015 Willing Workers Picnic) during its July 20, 2015 Council meeting; and

WHEREAS, the correct date of the picnic is August 11, 2015,

NOW, THEREFORE, BE IT RESOLVED, by the City Council that the incorrect date of August 2, 2015 be replaced with the correct date of August 11, 2015 for the 2015 Willing Workers Picnic.

Yea

5

Nays

0

ADOPTED

RESOLUTION: NF DEACONS FELLOWSHIP ANNUAL OX ROAST FUNDRAISER, WAIVER OF OASIS RENTAL FEES, 2015-76  
BY: COUNCIL MEMBER CHARLES WALKER

Agenda Item #25

WHEREAS, the Niagara Falls City Council wishes to do its part to focus on the future of our youth,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls does hereby waive the fee for rental of the Oasis at Hyde Park for the Niagara Falls Deacons Fellowship fundraiser to support the AB Ray Scholarship Program on September 12, 2015.

Yea

5

Nays

0

ADOPTED

There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 6:45 P.M.

Carol A. Antonucci  
City Clerk



**SEPTEMBER 21, 2015**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

---

The first session of the September 21, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:04 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members 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 Special City Council Meeting of September 3, 2015 and the Council Meeting of September 8, 2015.

Yea  
Nays

5  
0

APPROVED

John Cooper spoke on behalf of the Niagara Falls Air Reserve Station and the Base Realignment and Closure Committee, and thanked the Council for their support.

Director of Business Development Anthony Vilardo introduced Douglas Nickerson, VP of Operations for the Sheraton Hotel, who spoke on the purchase of City property for an expansion project at the hotel.

In the Administrative Update:

1. Chairman Touma reported on the success of the 2015 Summer Camp sponsored by the City of Niagara Falls, the School District and the Housing Authority.

2. Chairman Touma also reported that he had visited Niagara Helicopter in Niagara Falls, Ontario, to address concerns of our citizens about noise from the flights. He said that the company needs to adhere to the established flight pattern, and Mayor Paul Dyster added that the quality of life for our citizens must be respected.

3. Mayor Dyster also said that the Engineering work on 72<sup>nd</sup> Street is proceeding, and should be out for bids next week. Council Member Choolokian asked about 77th Street, and Independence and Royal Avenues. The Mayor replied that the City needs to sit down with the Water Board and aggressively address the issue with them. Council Member Choolokian asked that the City's representatives on the Water Board be contacted also to help in addressing the issue. Council Member Anderson added that he has lived in the 72<sup>nd</sup> Street area for many years, and there were no problems with frozen water lines until the road repairs were done.

Council Member Choolokian asked if there was a plan for addressing all the garbage around the City before the winter, and the Mayor said that a plan was being worked on, and could be presented at the next Council Meeting. Council Member Anderson added that there is too much garbage around the City.

This Session ended at 5:26 PM

Chairman Touma reconvened the Meeting at 6:00 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  | Suggested Council adopt resolution opposing water level regulations |
| David Carr    | No response to claim filed for frozen water lines on Lewiston Rd.   |
| V. J. Cancemi | Thanks for Council support for Summer Youth Camp                    |
| Susan Ross    | Thanks for Council support for Summer Youth Camp                    |
| Russ Petrozzi | Thanks for Council support for Summer Youth Camp                    |
| Gerald Skrlin | Election Law issues; corruption in Government                       |

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF AUGUST 2015

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: HYDE PARK ICE RINK FLOOR & DASHER BOARD REPLACEMENT, MOLLENBERG BETZ, INC.

Agenda Item #2

A contract for the above referenced project was awarded to Mollenberg Betz, Inc., 300 Scott Street, Buffalo, NY, on March 9, 2015 in an amount of \$1,720,000.00.

The project required various revisions in scope for unanticipated and necessary repair work. The Change Order items (PCO) listed below were required in order for the rink to operate. The work was of a special nature and had to be performed by the qualified contractor that we currently have under contract.

Furthermore, during the course work, several cost saving measures were invoked to offset increases. Listed are the three change orders that result in credits totaling \$11,169.00.

1. PCO-1; Change (2) 30 gal. expansion tanks to (1) 60 gal. expansion tank (\$1,847.00)
2. PCO-2; Change specified rink piping to HDPE ..... (\$6,822.00)
3. PCO-3; Brine Pump, base and valve replacement.....\$32,987.00
4. PCO-6; Rink 1 collar ties..... \$23,677.00
5. PCO-8; Rink 2, 8" brine piping repair..... \$8,285.00
6. PCO-9; Rink 2, Brine Pipe covers..... \$850.00
7. PCO-10; Existing brine line and tank integrity testing.....\$1,600.00
8. PCO-11; Ice Mesh Seal ..... \$ 2,500.00
9. Contract Allowance for Geo Fabric Mesh; ..... (\$2,500.00)

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$58,730.00 be approved, bring the new contract total to \$1,778,730.00. Sufficient funds presently exist in Bond Resolution approved by City Council.

Will the council vote to approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Council?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

CITY PROPERTY: 3625 HIGHLAND AVE., TRANSFER TO URBAN RENEWAL AGENCY

Agenda Item #3

On July 20, the City Council approved acquiring 3625 Highland Avenue, a 5.5 acre former industrial site currently housing the Niagara Science Museum, located on the east side of Highland Avenue. At that time, it was intended that the City would convey the property to Niagara Falls Urban Renewal Agency.

The acquisition of land by an Urban Renewal Agency for which there is no immediate development use is regulated by General Municipal Law #555. The procedure requires a Planning Board recommendation after a public hearing, and City Council approval. The Planning Board has held its public hearing and recommended in favor of the acquisition of the property by Niagara Falls Urban Renewal Agency. A copy of the Planning Board resolution recommending the transfer is attached (on file in the City Clerk's Office). NFURA has indicated its willingness to hold title to the property. NFURA has appropriated funds to cover the conveyance costs.

Will the Council vote to approve acquisition by Niagara Falls Urban Renewal Agency of the 5.5 acre 3625 Highland Avenue parcel, approve the transfer to Niagara Falls Urban Renewal Agency as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

|                                     |   |
|-------------------------------------|---|
| Yea                                 | 3 |
| Grandinetti, Walker, Chairman Touma |   |
| Nay                                 | 2 |
| Anderson, Choolokian                |   |

APPROVED

Council Member Choolokian said he has voted No on this before.

CONTRACT: PALLADIAN, EMPLOYEE ASSISTANCE PROGRAM

Agenda Item #4

Attached (on file in the City Clerk's Office) please find the proposed agreement between the City and Palladian Health, LLC, whereby Palladian will provide Employee Assistance Program services for all non-public safety employees. The cost for these services is \$17.40 per employee per year based on an employee count of 250. This equals \$4,350.00. Funds are available in the Department of Human Resources budget line A1430.0000.0451.000.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

|     |   |
|-----|---|
| Yea | 5 |
| Nay | 0 |

APPROVED

CONTRACT: AFFORDABLE CARE ACT ADMINISTRATION & BUSINESS ASSOCIATE AGREEMENTS, SENECA CONSULTING GROUP, INC.

Agenda Item #5

Attached (on file in the City Clerk's Office) please find the proposed Affordable Care Act Administration and Business Associate Agreements between the City of Niagara Falls and the Seneca Consulting Group Inc. With the 2010 passage of the Patient Protection and Affordable Care Act (ACA), large employers such as the City are faced with a number of reporting and administration obligations relative to their employees and their health care plans. The ACA also requires that significant amounts of employee and health care information be submitted to the Internal Revenue Service for yearly reporting purposes. Failure to report such information can lead to significant penalties of as much as \$2,000 per full-time employee.

In order to gather and process the required information, the City has negotiated an agreement with Seneca Consulting Group. The Seneca Consulting Group currently provides ACA administration services to over sixty (60) public sector employers with an average group size of over 1,000 employees. In the proposed agreement, the Seneca Group will assist the City in meeting its employer mandate obligations under the ACA as well as assisting the City to meet its IRS reporting obligations. Further, the Seneca Group will provide the City with additional services to our Payroll and MIS Departments to assist in future reporting obligations.

Funding for the total cost of the proposed contract is \$29,550.00. Funding for this agreement will come from the budgeted health care premiums account.

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

CONTRACT: LASALLE LIBRARY ACOUSTIC AND ELECTRIC UPGRADES, WALTER S. JOHNSON BLDG. CO. INC.

Agenda Item #6

The following was the result of bids received on September 2, 2015 for the above referenced project:

| CONTRACTOR                       | BASE BID     |
|----------------------------------|--------------|
| Walter S. Johnson Bldg. Co. Inc. | \$ 44,750.00 |
| 6638 Mooradian Drive             |              |
| Niagara Falls NY 14304           |              |
| Sicoli Construction Svcs.        | \$ 52,600.00 |

It is the recommendation of the undersigned that this project be awarded to the low bidder Walter S. Johnson Building Co. Inc. at their base bid of \$44,750.00. Funding is 100% reimbursable through a grant from the New York State Economic Development Association - Project ID# 4813.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

5  
0

APPROVED

Chairman Touma said this is 100% reimbursable by a Grant.

CONTRACT: LASALLE LIBRARY, RECONSTRUCTION OF HISTORIC WOOD SIDE ENTRY DOOR, SICOLI CONSTRUCTION SERVICES, INC.

Agenda Item #7

The following is the result of bids received on September 15, 2015 for the above referenced project:

| CONTRACTOR                         | BASE BID    |
|------------------------------------|-------------|
| Sicoli Construction Services, Inc. | \$16,800.00 |
| 4800 Hyde Park Blvd.               |             |
| Niagara Falls NY 14305             |             |

It is the recommendation of the undersigned that this project be awarded to the sole bidder Sicoli Construction Services, Inc. at their total bid of \$16,800.00. Funding is available in Casino funds previously approved by Council at its June 23, 2014 meeting and through a matching grant with the New York State Education Department/ New York State Library Public Grant Program No. 0386-15-5720.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

Nays

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APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: BROWN, DUANE THOMAS

Agenda Item #8

|                        |   |
|------------------------|---|
| Date Claim Filed:      | December 1, 2014  |
| Date Action Commenced: | N/A   |
| Date of Occurrence:    | November 20, 2014   |
| Location:              | 433 36 <sup>th</sup> Street, Niagara Falls, New York      |
| Nature of Claim:       | Damages to automobile from collision with City vehicle.   |
| Status of Action:      | Claim stage.  |
| Recommendation/Reason: | Best interests of City to pay claim.                      |
| Amount to be Paid:     | \$1,522.69  |
| Make Check Payable to: | Duane Thomas Brown  |
| Conditions:            | General Release to City, approved by Corporation Counsel. |

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve? Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yea

Nays

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APPROVED

CLAIM: RICH, GLEN

Agenda Item #9

|                        |  |
|------------------------|--|
| Date Claim Filed:      | May 11, 2015   |
| Date Action Commenced: | N/A  |
| Date of Occurrence:    | May 8, 2015  |
| Location:              | Rainbow Boulevard near Old Falls Street                      |
| Nature of Claim:       | Automobile damage sustained in an accident with City vehicle |
| City Driver:           | Todd N. Faddoul  |
| Status of Action:      | Claim stage.   |
| Recommendation/Reason: | Best interests of City to pay claim.                         |
| Amount to be Paid:     | \$2,115.28   |
| Make Check Payable to: | Glen Rich  |
| Conditions:            | General Release to City, approved by Corporation Counsel.    |

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yea

Nays

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APPROVED

CLAIM: CALDWELL, ZELICE

Agenda Item #10

|                        |   |
|------------------------|---|
| Date Claim Filed:      | November 4, 2014  |
| Date Action Commenced: | N/A   |
| Date of Occurrence:    | September 22, 2014  |
| Location:              | 1311 Ontario Avenue, Niagara Falls, NY                    |
| Nature of Claim:       | Damage to home from wire pulled down by DPW vehicle.      |
| Status of Action:      | Claim stage.  |
| Recommendation/Reason: | Best interests of City to pay claim.                      |
| Amount to be Paid:     | \$52.92   |
| Make Check Payable to: | Zelice Caldwell   |
| Conditions:            | General Release to City, approved by Corporation Counsel. |

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve? Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yea  
Nays

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APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 6:22 P.M.

Carol A. Antonucci  
City Clerk

**2015 INDEX**  
**CITY COUNCIL MINUTES**  
**NIAGARA FALLS, NEW YORK**

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