

Tuesday – February 21, 2017 Council Meeting

**PRESENTATIONS:**

1. Stole of Patches – Reverend Deacon Patrick J. Bradley  
Presented by: Councilwoman Kristen Grandinetti
- 

**ADMINISTRATIVE UPDATE:**

None

FEB 21 2017 11:02 AM

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 FEB 15 AM 11:09



# City of Niagara Falls, New York

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

TO: The City Council  
FROM: Lisa A. Vitello, City Clerk  
RE: Informational Item: City Clerk's Report  
DATE: February 3, 2017

## Council Members:

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of January, 2017.

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics	\$ 4,396.00	\$ 4,396.00
A1255-004 A013	Copies of Records	\$ 411.00	\$ 411.00
A1255-004 A013	Certificates of Marriage	\$ 240.00	\$ 240.00
A2501-014 A046	Electrician - Active	\$ 750.00	\$ 750.00
A2501-014 A046	Electrician - Inactive	\$ 160.00	\$ 160.00
A2501-016 A047	Stationary Engineers	\$ 280.00	\$ 280.00
A2542-000 A053	Dogs/NYS Agr. & Mkts \$ 273.00	\$ -	\$ 273.00
A2542-000 A053	Additional Dogs	\$ 2,812.50	\$ 2,812.50
A2545-001 A054	Marriage License/NYSHD \$ 540.00	\$ 180.00	\$ 720.00
A1255-002 A123	Commissioners of Deeds	\$ 110.00	\$ 110.00
A2545-010 A128	Petroleum - Retail	\$ 210.00	\$ 210.00
A2545-010 A128	Petroleum - Storage	\$ 360.00	\$ 360.00
A2545-023 A318	Hunters/NYS DEC RAU \$ 23.62	\$ 1.38	\$ 25.00
A2545-023 A318	Hunters Fees		
A1255-003 A499	Notary Fee	\$ 12.00	\$ 12.00
A1255-005 A528	Dog Release	\$ 350.00	\$ 350.00
TA63008 A597	Marriage Performance	\$ 350.00	\$ 350.00
A1255-006-A696	Photos/passport-license	\$ 9.00	\$ 9.00
<b>TOTAL:</b>	<b>\$ 836.62</b>	<b>\$ 10,631.88</b>	<b>\$ 11,468.50</b>

Check #	<u>23101</u>	NYS Dept. of Arg. & Mkts	\$ 273.00
Check #	<u>23086</u>	NYS Health Department	\$ 540.00
Check #	<u>ET</u>	NYS DEC RAU	\$ 23.62

*Lisa A. Vitello*

Lisa A. Vitello

LAV/lgl

FEB 21 2017

*R&F*

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**CITY OF NIAGARA FALLS  
NEW YORK**

February 7, 2017


**TO:** City Council  
**FROM:** Mayor Paul A. Dyster  
**SUBJECT:** CHANGE ORDER #2/FINAL - \$ 43,750.00  
HYDE PARK PLAYGROUND


A contract for the above referenced project was awarded to Scott Lawn Yard on July 11, 2016 in the amount of \$133,265.00.

Subsequent to the start of the project, intermittent pockets of clay and spongy soils necessitated the installation of area drainage. The drainage system installed allowed both the star-shaped geometry of the playground to be drained efficiently while preserving the safety surface warranty. The cost of these improvements, along with minor quantity overruns, is \$43,750.00. Funding is available in Community Development.

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

Respectfully submitted,

  
Mayor Paul A. Dyster

  
Nicholas Melson, City Administrator

  
Seth Piccirillo, Director of Community Development

  
Robert Buzzelli, Civil Engineer III

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2017 FEB 15 AM 9:52

Funding approval:

\_\_\_\_\_  
Sandra Peploe, City Controller  
Council Meeting: February 21, 2017

FEB 21 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

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**CITY OF NIAGARA FALLS  
NEW YORK**

February 6, 2017

**TO:** City Council  
**FROM:** Mayor Paul A. Dyster  
**SUBJECT:** LETTER OF AWARD FOR 70<sup>TH</sup> STREET PLAYGROUND INSTALLATION

The following was the result of bids received on February 6, 2017, for the above referenced project:


<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT. #1</u>
Gardenville Landscape & Nursery LLC 3069 Clinton St. West Seneca NY 14224	\$105,572.50	\$4,036.00
Yarusi Construction Inc.	\$131,135.00	\$8,018.40
Titan Development	\$134,700.00	\$6,136.00

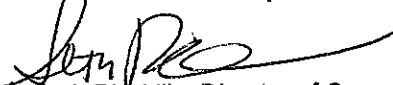
It is the recommendation of the undersigned that this project be awarded to the low bidder, Gardenville Landscape & Nursery LLC at the combination of their base bid and alternate price of: \$109,608.50. Funding is available through Community Development.

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

Respectfully submitted,

  
Mayor Paul A. Dyster


  
Nicholas Melson, City Administrator

  
Seth Piccirillo, Director of Community Development

  
Robert Buzzelli, Civil Engineer III

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Funding Approval:

  
Sandra Peploe, City Controller  
Council Meeting: February 21, 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

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**To: Niagara Falls City Council**  
**From: Niagara Falls Community Development**  
**Date: February 14, 2017**

**Sale of Property to Habitat for Humanity**  
**2878 McKoon Avenue**


Habitat for Humanity of Niagara County (Habitat) requests purchase approval of 2878 McKoon Avenue for \$500. As with recent purchases/renovations, Habitat agrees to:

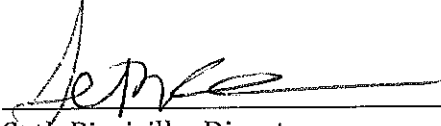
- Renovate the home for an owner that must agree to own and live in the home as prime occupant for no less than five years and pay all applicable property taxes.
- Renovate the home to meet code compliance within one year of purchase.

Sale of 2878 McKoon Avenue was recommended by the Niagara Falls Planning Board on May 11, 2016, as part of the 2016 Home Ownership Auction. As noted in a September 2016 City Council Agenda item, the successful bidder for 2878 McKoon Avenue elected to forfeit his rights to the property, prior to closing. There were no other interested bidders to contact, per Home Ownership Auction guidelines. As the house does have structural issues, it is the opinion of Niagara Falls Community Development that this disposition makes more sense than waiting for a future home ownership auction.

As Habitat is currently successfully renovating other formerly city owned properties, the sale of 2878 McKoon Avenue is a sensible fit. Habitat is also in need for additional renovation candidates, as flood plain restrictions in the Echota neighborhood are preventing previously planned renovations.

  
 Paul Dyster, Mayor

  
 Nick Melson, City Administrator

  
 Seth Piccirillo, Director  
 Niagara Falls Community Development

FEB 21 2017

\_\_\_ Grandinetti \_\_\_ Scott \_\_\_ Tompkins \_\_\_ Touma \_\_\_ Walker



# City of Niagara Falls, New York

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

OFFICE OF THE MAYOR

Telephone: (716) 286-4310

February 14, 2017

The City Council  
Niagara Falls, New York

*RE: Agreement with Niagara County Office for the Aging*

Council Members:

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, 2017 through December 31, 2017.

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

Respectfully submitted,

PAUL A. DYSTER

Mayor

lr

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Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



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# City of Niagara Falls, New York

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

OFFICE OF THE MAYOR

Telephone: (716) 286-4310

February 14, 2017

The City Council  
Niagara Falls, New York

*RE: Appointment of New City Controller*

Council Members:

As part of my plans relative to the City Controller's office for the calendar year 2017, I am hereby removing Sandra Peplow from the office of City Controller, effective immediately. I thank her for her service and dedication to the City of Niagara Falls.

Pursuant to Section 2.3 of the City Charter, I am hereby appointing Daniel Morello to the office of City Controller. Attached for your review is a copy of Mr. Morello's resume. As per the 2017 adopted budget, the salary for the City Controller's position is \$95,000.00.

I also propose the reactivation of the Deputy City Controller position in the Finance Department in order to assist the City Controller with the transition, on an as-needed basis. It is anticipated that this position will only be needed for the year 2017. The budgeted salary for the Deputy City Controller position would be \$8,000.00 (salary code 1101).

Will the Council vote to confirm the removal of Sandra Peplow from the office of City Controller, the appointment of Daniel Morello to the office of City Controller, and the reactivation of the Deputy City Controller position?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

FEB 21 2017

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Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



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6 CONT

**Daniel Morello**

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**EDUCATION**

**Niagara University** – Niagara University, New York  
Bachelor in College of Business, May 2004  
Concentration: Accounting  
GPA: 3.4 / 4.0      Dean's List (four semesters)

**Hilbert College** – Hamburg, New York  
Bachelor in Business Administration in Accounting  
Completed 15 credit hours: Fall 2000  
GPA: 3.6 / 4.0      Dean's List (one semester)

**EXPERIENCE**  
7/13 – Current

**Seneca Gaming Corporation** – Niagara Falls, New York  
Internal Audit Manager

- Supervised and reviewed staff to ensure completion of annual internal audit plan
- Organized and prepared audit programs for use in operational audits
- Communicated audit objectives and final results of testing to department management
- Assisted in the annual risk assessment process and the creation of the annual internal audit plan
- Prepared audit reports for distribution to Executive Management and Audit Committee
- Assisted external financial statement auditors in the completion of the annual financial statement audit

12/11 – 7/13

Senior Internal Auditor

- Conducted operational internal audit procedures of various departments within all three casino properties and casino owned golf course
- Assisted in the preparation of audit programs for operational audits
- Prepared audit reports for distribution to Executive Management and Audit Committee
- Supervised and reviewed staff to ensure completion of operational audits
- Assisted in the planning and implementation of an internal audit software program

1/05 – 12/11

**Chiampou Travis Besaw & Kershner, LLP** – Amherst, New York  
Senior Accountant

- Conducted financial statement audits for small to medium sized privately owned companies in the manufacturing, construction, not-for-profit, and automotive industries
- Prepared management letters for various internal control issues noted during performance of financial statement audit
- Performed audits for pension and profit sharing plans
- Participated in yearly inventory observations for various clients
- Supervised and performed review of staff to ensure completion of financial statement audits



6 cont

- Prepared and instructed training sessions on various audit related topics such as preparation of financial statements, auditing inventory, and auditing accounts receivable for staff accountants
- Prepared individual, partnership, corporate, and other types of tax returns
- Performed research on various audit and tax issues

#### **INTERNSHIPS**

2/04 – 4/04

**Cousins & Bush** – Niagara Falls, New York

##### Tax Preparer

- Performed weekly bookkeeping and payroll for several businesses
- Prepared individual and partnership tax returns

#### **RELATED EXPERIENCE**

**VITA Program** – Niagara University, New York

##### Volunteer Income Tax Assistant

- Prepared and filed tax returns for students and the elderly
- Completed IRS tax preparation training

#### **COMPUTER SKILLS**

Microsoft Word  
Quickbooks

Microsoft Excel  
Prosystem

Power Point  
CCH TeamMate

#### **CERTIFICATIONS**

Currently sitting for CPA certification (1 of 4 sections passed)

#### **HONORS/ ACTIVITIES**

Recipient, Niagara University Transfer Scholarship

Recipient, Father Burke Family Scholarship

Recipient, Hilbert College Presidential Scholarship

Recipient, Whirlpool Park Little League Scholarship

Member, Niagara University Accounting Society (2003-2004)

Volunteer, Niagara University Community Action Program

#### **REFERENCES**

Available upon request



# City of Niagara Falls, New York

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

OFFICE OF THE MAYOR

Telephone: (716) 286-4310

February 14, 2017

The City Council  
Niagara Falls, New York

*RE: Participation in funding for Discover Niagara Shuttle*

Council Members:

It is requested that the City contribute the sum of \$100,000.00 to support the continued operation of the Discover Niagara Shuttle. During its first year in operation during the tourist season of 2016, the shuttle transported approximately 33,000 visitors and local people between Niagara Falls State Park and Old Fort Niagara with another dozen stops along the Niagara Gorge corridor. This is a way to connect the broader Niagara region to the county's tourist center in Niagara Falls.

During the first year of the operation of the Discover Niagara Shuttle, contributors included the USA Niagara Development Corp., the State Office of Parks, Recreation and Historic Preservation, the New York Power Authority, the NFNHA and the Niagara Tourism & Convention Corp. Funding is available from tourism fund balance.

Will the Council so approve?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

Funding is in place

Sandra Peploe  
City Controller

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# CITY OF NIAGARA FALLS

**TO:** City Council  
**FROM:** Chairman  
Traffic Advisory Commission  
**DATE:** February 9, 2017  
**SUBJECT:** **AGENDA ITEM:**

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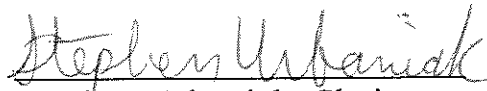
At a Traffic Advisory Commission meeting held on February 7, 2017 the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON 37<sup>th</sup> STREET  
BETWEEN WALNUT AVENUE & PINE AVENUE**

A Petition from the residents of this block was received with 59.1% signatures.

Submitted By: Jenna Seintan, 639 – 37<sup>th</sup> Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

  
Stephen Urbaniak, Chairman  
Traffic Advisory Commission

jlm  
cc: City Administrator  
Director of Public Works  
Traffic Planner

FEB 21 2017

GRANDINETTI SCOTT TOMPKINS TOUMA WALKER



# CITY OF NIAGARA FALLS

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**TO:** City Council  
**FROM:** Chairman  
Traffic Advisory Commission  
**DATE:** February 9, 2017  
**SUBJECT:** **AGENDA ITEM:**

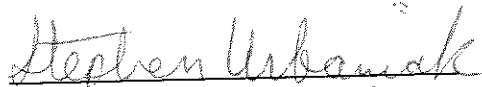
At a Traffic Advisory Commission meeting held on February 7, 2017 the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON 90<sup>TH</sup> STREET  
BETWEEN LUICK AVENUE & BROOKSIDE DRIVE**

A Petition from the residents of this block was received with 69% signatures.

Submitted By: Garold B. Acker, 1116 – 90<sup>th</sup> Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

  
Stephen Urbaniak, Chairman  
Traffic Advisory Commission

jl  
cc: City Administrator  
Director of Public Works  
Traffic Planner

FEB 21 2017

GRANDINETTI\_\_\_ SCOTT\_\_\_ TOMPKINS\_\_\_ TOUMA\_\_\_ WALKER\_\_\_

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## CITY OF NIAGARA FALLS

**TO:** City Council  
**FROM:** Chairman  
Traffic Advisory Commission  
**DATE:** February 9, 2017  
**SUBJECT:** **AGENDA ITEM:**

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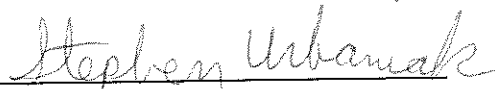
At a Traffic Advisory Commission meeting held on February 7, 2017 the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON MAPLE AVENUE  
BETWEEN BELL STREET & HUDSON DRIVE**

A Petition from the residents of this block was received with 59.3% signatures.

Submitted By: Lynn Beach, 1340 Maple Avenue and Petition/Residents of Block

It is requested that City Council approve this recommendation.

  
Stephen Urbaniak, Chairman  
Traffic Advisory Commission

jl  
cc: City Administrator  
Director of Public Works  
Traffic Planner

FEB 21 2017

GRANDINETTI\_\_ SCOTT\_\_ TOMPKINS\_\_ TOUMA\_\_ WALKER\_\_



# CITY OF NIAGARA FALLS

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**TO:** City Council  
**FROM:** Chairman  
Traffic Advisory Commission  
**DATE:** February 9, 2017  
**SUBJECT:** **AGENDA ITEM:**

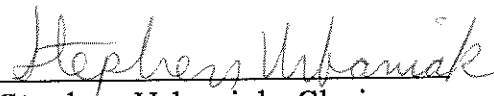
At the Traffic Advisory Commission meeting held on February 7, 2017 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 718 BUFFALO AVENUE**

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

Submitted By: Susan Maffei, 718 Buffalo Avenue, #1

It is requested that City Council approve this recommendation.

  
Stephen Urbaniak, Chairman  
Traffic Advisory Commission

jlmm  
cc: City Administrator  
Director of Public Works  
Traffic Planner

FEB 21 2017

**GRANDINETTI\_\_ SCOTT\_\_ TOMPKINS\_\_ TOUMA\_\_ WALKER\_\_**

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# CITY OF NIAGARA FALLS

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**TO:** City Council  
**FROM:** Chairman  
Traffic Advisory Commission  
**DATE:** February 9, 2017  
**SUBJECT:** **AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on February 7, 2017 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 3328 CHURCH AVENUE**

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

Submitted By: Nimire Burnett, 3328 Church Avenue

It is requested that City Council approve this recommendation.

Stephen Urbaniak, Chairman  
Traffic Advisory Commission

jlm  
cc: City Administrator  
Director of Public Works  
Traffic Planner

FEB 21 2017

**GRANDINETTI\_\_ SCOTT\_\_ TOMPKINS\_\_ TOUMA\_\_ WALKER\_\_**

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# CITY OF NIAGARA FALLS

**TO:** City Council

**FROM:** Chairman  
Traffic Advisory Commission

**DATE:** February 9, 2017

**SUBJECT:** **AGENDA ITEM:**

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At the Traffic Advisory Commission meeting held on February 7, 2017 the Commission recommended **APPROVAL** of the following **AMENDED** item:

**INSTALL "2 HOUR PARKING RESTRICTION" ON THE WEST SIDE OF  
4<sup>TH</sup> STREET, ALONG THE WINGATE BY WYNDHAM HOTEL, 333  
RAINBOW BLVD, IN THE AREA BETWEEN THE HOTEL'S PORTE-  
COCHERE AND THE PARKING LOT DRIVEWAY**

This request was made, for this 90' long area, to encourage turnover in parking by preventing all day parkers for patrons of a soon to be opening restaurant which will be located within the hotel.

Submitted By: Frank Strangio, Vice President, Plati Niagara Inc., 7708  
Niagara Falls Boulevard

It is requested that City Council approve this recommendation.

*Stephen Urbaniak*  
Stephen Urbaniak, Chairman  
Traffic Advisory Commission

jlm  
cc: City Administrator  
Director of Public Works  
Traffic Planner

FEB 21 2017

GRANDINETTI SCOTT TOMPKINS TOUMA WALKER





# City of Niagara Falls, New York

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

DATE: February 14, 2017  
TO: The City Council  
FROM: Lisa A. Vitello  
City Clerk  
SUBJECT: Commissioner of Deeds

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The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2017 to March 31, 2019.

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

Shawn Bosi	NFPD
James Bragg	Planning Department
John Caso	DPW
Roger Freeman	NFPD
Joseph Giaquinto	NFPD
Nicholas A. Melson	Administration
Jennifer L. Myers	DPW
Nicholas Paonessa	NFPD
David Tothill	Billing & Collection
Lisa A. Vitello	City Clerk's Office
Nadine Wasson	City Clerk's Office

Victor Acevedo Jr.	2418 Willow Ave., Niagara Falls, NY 14305
Matthew Bergey	4715 Isherwood Dr., Niagara Falls, NY 14305
Emma H. Chapman	3125 Apple Ct., Niagara Falls, NY 14304
Candice Creamer	640 Oxbow Lane, Lewiston, NY 14092
Ni'Jae Davis	18 C Packard Ct., Niagara Falls, NY 14304
Damon A. DeCastro II	1531 Lake Rd., Youngstown, NY 14174
Rebecca Dyster	626 Orchard Pkwy., Niagara Falls, NY 14301
Jeffery Flach	723 3 <sup>rd</sup> St., Apt. 31, Niagara Falls, NY 14301
Peggy Frame	8431 Buffalo Ave., Apt. #16, Niagara Falls, NY 14304
Evonne D. Holstrom	2918 Jerauld Ave., Niagara Falls, NY 14305
Ragini Jain	6700 Lindbergh Ave., Niagara Falls, NY 14304

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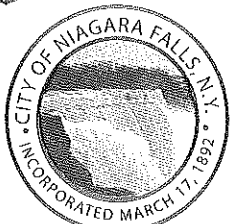
14 CONT

James Joyce	2744 Thornwoods Dr., Niagara Falls, NY 14304
Michelle Kelly	6921 Nash Rd., North Tonawanda, NY 14120
Kathy E. Kephart	6425 Sherman Dr., Lockport, NY 14094
Gail Merino	9365 Rivershore Dr., Niagara Falls, NY 14304
Allison M. Moore	2653 Porter Rd., Niagara Falls, NY 14305
Rozanne Muto	642 19 <sup>th</sup> St., Niagara Falls, NY 14301
Mary C. O'Byrne	40 Livingston Place, Lockport, NY 14094
Matthew M. Peunic Jr.	8015 Frontier Ave., Niagara Falls, NY 14304
Akasha Pugh	531 4 <sup>th</sup> St., Niagara Falls, NY 14301
Chelsea Raymond	579 Homestead Dr., North Tonawanda, NY 14120
Diana Restaino	826 College Ave., Niagara Falls, NY 14305
Jane Travis	1369 Caravelle Dr., Niagara Falls, NY 14304
Randal Ubriaco	837 15 <sup>th</sup> St., Niagara Falls, NY 14301
Dennis Virtuoso	2703 Independence Ave., Niagara Falls, NY 14301
Jennifer Weerheim	1866 Saunders Settlement Rd., Niagara Falls, NY 14304
Jennifer Weigel	454 27 <sup>th</sup> St., Lower, Niagara Falls, NY 14303
Nadine C. Wilson	839 Barberry Pl., Niagara Falls, NY 14304

Respectfully submitted,

  
Lisa A. Vitello  
LAV/cms

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The City Council  
Niagara Falls, New York

# City of Niagara Falls, New York

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

February 15, 2017

RE: Request for Approval to Settle and Pay Claim of Gray Furnace Service  
6411 Elsa Place, Niagara Falls, New York 14304

## Council Members:

Date Claim Filed:	August 24, 2016
Date Action Commenced:	N/A
Date of Occurrence:	July 7, 2016
Location:	2700 block of Pierce Avenue
Nature of Claim:	Automobile damage sustained in collision with City vehicle
City Driver:	Carmen Tripi
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$896.94
Make Check Payable to:	Gray Furnace Service
Conditions:	General Release to City approved by Corporation Counsel.

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2017 FEB 15 AM 10:58

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

Respectfully submitted,

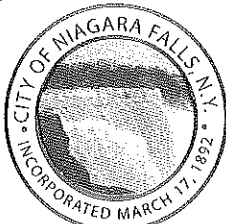
CRAIG H. JOHNSON  
Corporation Counsel

FEB 21 2017  
daj

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



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# City of Niagara Falls, New York

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

February 15, 2017

The City Council  
Niagara Falls, New York

RE: Request for Approval to Settle and Pay Claim of Tessia C. Harris  
537 7<sup>th</sup> Street, Niagara Falls, New York 14301

## Council Members:

Date Claim Filed:	February 22, 2013
Date Action Commenced:	July 8, 2013
Date of Occurrence:	January 18, 2013
Location:	Intersection of 11 <sup>th</sup> Street and Niagara Avenue
Nature of Claim:	Injuries and damages sustained in collision with City vehicle
City Driver:	John Rosino
Status of Action:	Post-Liability Trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$125,000.00
Make Check Payable to:	Cellino & Barnes, P.C. and Tessia C. Harris
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?

Respectfully submitted,

CRAIG H. JOHNSON  
Corporation Counsel

FEB 21 2017

daj

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17  
RESOLUTION No. 2017

**RELATIVE TO FURTHER COMMERCIALIZATION OF NIAGARA FALLS  
STATE PARK**

BY:

Council Member Kristen Grandinetti  
Council Member Ezra Scott, Jr.  
Council Member Kenny Tompkins  
Council Member Andrew Touma

**WHEREAS**, the Park was established by an act of the New York State Legislature which was the result of a widespread effort known as "Free Niagara."; and

**WHEREAS**, the Free Niagara Movement was an effort to de-industrialize the parklands surrounding the falls and portions of the Upper Niagara River and created State Park in a natural setting, free to the public; and

**WHEREAS**, the Park was designed by noted Landscape Architect, Frederick Law Olmsted; and

**WHEREAS**, As Olmsted implied: any commercial undertaking into which the state was entering, would be in competition with the people of the village of Niagara and... It is a sufficient answer to say that there is no point in the reservation at which a house can be placed that is more than ten minute walk or five minute drive from hotels and restaurants standing on land of private ownership." – Thus, giving any state sponsored development of the park an unfair and ...an unfair advantage over private ownership near the park; and

**WHEREAS**, Visitors to the Niagara Falls State Park number more than eight million every year, making it the most profitable park in the state of New York, there is no justification for further commercialization to be in competition with the City of Niagara Falls.

**NOW, THEREFORE, BE IT RESOLVED**, that this City Council of the City of Niagara Falls, New York, does hereby respectfully requests Governor Andrew Cuomo; and the State of New York, cease efforts to further commercialize Niagara Falls State Park and redirect State resources toward promoting Economic Development within the guidelines of the City's Comprehensive Plan.

FEB 21 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

18

RESOLUTION No. 2017

**RELATIVE TO FURTHER COMMERCIALIZATION OF NIAGARA FALLS  
STATE PARK**

BY:

Council Member Kristen Grandinetti

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**WHEREAS**, the Park was designed by noted Landscape Architect, Frederick Law Olmsted; and

**WHEREAS**, New York State Legislator, Thomas Vincent Welch, who spearheaded the effort and became the parks first supervisor, cited in his speech to the New York State Legislature: "It would seem as if no reservation would be of value that did not include all of these points of interest, and yet, the commissioners may select but one of them if they so decide. They need not be governed by the recommendations of the commissioners of the State Survey. But no such thing as an artificial "park" is contemplated. No place of general pleasure. No costly structures; nothing but the natural land scape conditions restored, with provisions for public convenience. In a word, Niagara as it existed in its original grandeur and beauty, before it was disfigured by the acts of man."; and

**WHEREAS**, As Olmsted implied: any commercial undertaking into which the state was entering, would be in competition with the people of the village of Niagara and... It is a sufficient answer to say that there is no point in the reservation at which a house can be placed that is more than ten minute walk or five minute drive from hotels and restaurants standing on land of private ownership." – Thus, giving any state sponsored development of the park an unfair and ...an unfair advantage over private ownership near the park; and

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FEB 21 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

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19

RESOLUTION No. 2017

**RELATIVE TO THE APPOINTMENT  
TO THE PLANNING BOARD**

BY:

Council Chairman Charles Walker  
Council Member Ezra Scott, Jr.  
Council Member Kenny Tompkins

**WHEREAS**, there is currently one vacant seat on the Planning Board, due to the resignation of Lisa Vitello.

**NOW, THEREFORE, BE IT RESOLVED**, that the following individual is hereby appointed to the City of Niagara Falls Planning Board effective for the unexpired term that expires on the date opposite his name shown below:

APPOINTMENT:

Richard D. Smith  
1021 96<sup>th</sup> Street  
Niagara Falls, Ny 14304

TERM:

12/31/2018

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Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

20

RESOLUTION No. 2017

**RELATIVE TO HONORING REVEREND DEACON PATRICK J. BRADLEY WITH A  
STOLE OF PATCHES FOR HIS MILITARY SERVICE**

BY:

Council Member Kristen Grandinetti

**WHEREAS**, Reverend Deacon Patrick J. Bradley, served our country in the New York Army National Guard in 1980 as a heavy anti-armor weapons squad leader and chaplain's assistant. Reverend Bradley was honorably discharged with the rank of sergeant (E-5) in 1986; and

**WHEREAS**, in May 2000, Patrick Bradley was ordained and is currently serving the lord as Deacon of St. Peter's Episcopal Church in Niagara Falls; and

**WHEREAS**, Deacon Bradley has been married to the former Linda Hamilton since 1982. They have an adult son, Joshua; and

**WHEREAS**, Deacon Bradley is currently a member of Diocesan Council – Episcopal Diocese of Western New York, Bishop's Advisory Committee on Deacons-Episcopal Diocese of Western New York, Western New York Stress Reduction Program (provides educational and interventional critical incident stress management services to Western New York's emergency services providers), Niagara Ministerial Council, International Conference of Police Chaplains, International Critical Incident Stress Foundation, New York State Association of Fire Chaplains, Riverdale Cemetery Association Board of Directors. Deacon Bradley is currently employed at Niagara Falls Memorial Medical Center, Director of Public Relations and Communications.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York that this City Council does hereby honor Reverend Deacon Patrick J. Bradley for his outstanding service and dedication to our country and the city of Niagara Falls.

FEB 21 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

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21

RESOLUTION No. 2017

**RELATIVE TO WAIVER OF PARKING FEES FOR COMMUNITY MISSIONS -  
20<sup>TH</sup> ANNUAL SWEETHEART DINNER**

BY:

Council Chairman Charles Walker  
Council Member Kristen Grandinetti  
Council Member Ezra Scott, Jr.  
Council Member Kenny Tompkins  
Council Member Andrew Touma

**WHEREAS**, Community Missions held its 20<sup>th</sup> Annual Sweetheart Dinner on Friday, February 20, 2017 at the Conference and Event center in Niagara Falls, New York.

**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 for the Community Missions for Friday, February 10, 2017.

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FEB 21 2017

Grandinetti\_\_\_\_\_ Scott\_\_\_\_\_ Tompkins\_\_\_\_\_ Touma\_\_\_\_\_ Walker\_\_\_\_\_



February 9, 2017

The Honorable Paul Dyster  
745 Main Street  
Niagara Falls, NY 14301

Mayor Dyster,

I am writing to respectfully ask for an exemption from paying for parking in the City of Niagara Falls parking lot located on Third Street, adjacent to The Conference and Events Center Niagara Falls. We have not made this request in the past, however, we feel there are extenuating circumstances at this time.

While I understand this lot can at times require a parking fee for patrons utilizing the lot, I am hoping that Community Missions of Niagara Frontier Inc. can have this fee waived for its guests the night of February 10, 2017. That evening, we will host our 20<sup>th</sup> Annual Sweetheart Dinner at The Conference and Event Center Niagara Falls, with 290+ guests reserved to attend.

As you may already be aware, Community Missions hosts this event each year to raise money for our Crisis & Community Services, which benefit many Niagara Falls/Niagara County residents. In 2016, we provided more than 89,000 meals and 11,000 nights of shelter, both of which were record service numbers. Every dollar impacts our ability to provide these services to the region's most vulnerable citizens.

Originally, our contract with AllPro Parking for valet services included the cost of parking in the lot in our already substantial fee to their company. However, after a breach of contract, we have just learned yesterday that they will not be covering the cost of parking that night for our guests, participating in this request. With the RV show also forcing the closure of Old Falls Boulevard, our normal entry and exit plans are askew. We feel we cannot inconvenience our guests any further by asking them to pay for additional parking fees.

On behalf of CMI, I am respectfully asking you to please consider waiving this fee for our guests on February 10. In doing so, more of the money raised that night will be able to assist those in need of our services throughout the city and county.

Thank you for your prompt consideration, and please feel free to call me with any questions or necessary clarifications: 716-622-2975 (cell).

Sincerely,

A handwritten signature in cursive script, appearing to read "Robyn L. Krueger".

Robyn L. Krueger,  
Executive Director

22

RESOLUTION No. 2017-

**RESOLUTION CALLING FOR A PUBLIC HEARING REGARDING THE  
ABANDONMENT OF A PORTION OF THE 6<sup>TH</sup> STREET  
RIGHT-OF-WAY ADJACENT TO 543 – 6<sup>TH</sup> STREET**

BY:

Council Chairman Charles Walker  
Council Member Ezra P. Scott, Jr.  
Council Member Kenny Tompkins

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**WHEREAS**, the adjoining property owner has requested the abandonment a portion of the 6<sup>th</sup> Street right-of-way adjacent to 543 – 6<sup>th</sup> Street; and

**WHEREAS**, the Planning Board will act on its recommendation to Council at its meeting on February 22, 2017; and

**WHEREAS**, this Council declares its intention to abandon said alley portion, subject to the recommendation of the Planning Board.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Niagara Falls, New York 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 in the Council Chambers in City Hall on March 6, 2017 at 6:00 p.m. Eastern Standard Time, and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said alley portion in the official newspaper once a week for two successive weeks preceding March 6, 2017.

FEB 21 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

23

RESOLUTION No. 2017-

**RESOLUTION REGARDING THE ABANDONMENT A PORTION OF THE ALLEY  
RUNNING NORTH/SOUTH BETWEEN 24<sup>TH</sup> AND 25<sup>TH</sup> STREETS,  
SOUTH OF ORLEANS AVENUE**

BY:

Council Chairman Charles Walker  
Council Member Ezra P. Scott, Jr.  
Council Member Kenny Tompkins

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**WHEREAS**, the City Council of the City of Niagara Falls desires to abandon a portion of the alley running north/south between 24<sup>th</sup> and 25<sup>th</sup> Street, south of Orleans Avenue, 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 alley 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 February 21, 2017 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 February 21, 2017 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 the alley running north/south between 24<sup>th</sup> and 25<sup>th</sup> Streets south of Orleans Avenue, is hereby abandoned, the said abandoned alley 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 alley. The said alley 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, bounded and described as follows:

Commencing at the intersection of the east line of the twelve (12) foot alley running north/south between 24<sup>th</sup> and 25<sup>th</sup> Streets with the north line of Niagara Street;

Thence north along said east line of the alley a distance of 99.72 feet to a point;

Thence west at a 90 degree angle a distance of twelve (12) feet to a point on the west line of said alley;

Thence south along said west line of the alley a distance of 99.72 feet to a point on the north line of Niagara Street;

FEB 21 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

23 cont

Thence east along the north line of Niagara Street a distance of twelve (12) feet to the point and place of beginning.

**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.



# City of Niagara Falls, New York

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

January 25th, 2017

## NIAGARA FALLS PLANNING BOARD

### ☐ APPROVAL OF ABANDONMENT OF REAL PROPERTY

Pursuant to action taken by the Niagara Falls Planning Office on the 25th day of January 2017 your request is hereby granted.

**NAME OF OWNER:** City of Niagara Falls

**ADDRESS OF ACTION:** Portion of Alley between 2420 and 2424 Niagara Street

**PURPOSE:** Abandon portion of the alley to be used to construct new 2,172 sq. ft. restaurant

*This application is hereby granted.*

DATE: January 25<sup>th</sup>, 2017

  
\_\_\_\_\_  
Tony M. Palmer, Chairman  
Niagara Falls Planning Board

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23.0004

# Project Area: Proposed New Dairy Queen



Feet 1 inch = 30 feet

ver.17.01.06



Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented. For interpretation, refer to the City's GIS Coordinator.

