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JANUARY 4, 2010

ORGANIZATIONAL MEETING **NIAGARA FALLS, NEW YORK**

The Organizational Meeting of the January 4, 2010 Niagara Falls City Council was called to order by Council Member Robert Anderson, Jr. at 4:00 p.m. in the Council Chambers.

The prayer was said by Council Member-Elect Kristen Grandinetti and Council Member-Elect Samuel Fruscione led the gathering in the Pledge of Allegiance to the Flag.

The Oath of Office was then administered to Council Members Sam Fruscione, Kristen Grandinetti and Charles Walker by The Honorable Diane Vitello, City Court Judge.

The Roll was called with Council Members Anderson, Fournier, Fruscione, Grandinetti and Walker all present. 5

Craig H. Johnson, Corporation Counsel called for nominations for Council Chairman. The following were nominated:

Council Member Fruscione nominated by Council Member Anderson. As there were no further nominations, nominations were closed and the vote was called.

Yeas	5
Nays	0

Council Member Fruscione was unanimously elected Council Chairman for 2010.

The Oath of Office was then administered to Council Chair Fruscione by The Honorable Diane Vitello.

The Honorable Diane Vitello then administered the Oath of Office to Niagara County Legislatures representing the City of Niagara Falls

2nd District	Renae Kimble
3rd District	Jason Cafarella
4th District	Dennis Virtuaso
5th District	Vincent Sandonato

The meeting then proceeded to the agenda.

RESOLUTION: 2010 COUNCIL MEETING SCHEDULE, 2010-1

Agenda Item #1
Relative to the 2010 Council Meeting Schedule
BY: All Council Members
BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York,
That it hereby adopts the following 2010 City Council Meeting dates as the official
2010 CITY COUNCIL AGENDA AND MEETING SCHEDULE.
4PM ---- Work Session --7pm --- Council Meeting

January 4th – Organizational Mtg. and Swearing In Ceremony –
4pm Session Only – No 7pm Session

January 11th
January 25th

February 8th
February 22nd

March 8th
March 22nd

April 5th
April 19th

May 3rd
May 17th

June 1st - Tuesday
June 14th
June 28th

July 12th
July 26th

AUGUST RECESS

September 7th - Tuesday
September 20th

October 4th
October 18th

November 1st
November 15th
November 29th

December 13th
December 27th

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, 2010-2

Agenda Item #2
Relative to designating the Niagara Gazette as the Official Newspaper
BY: All Council Members
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 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.
BE IT FURTHER RESOLVED, that this designation shall be in effect for the year 2010, but such designation shall not thereafter lapse until superseded.
Yeas 5
Nays 0
ADOPTED

RESOLUTION: INVESTMENT POLICY, 2010-3

Agenda Item #3

Relative to adoption of investment policy for the City of Niagara Falls

BY: Council Member Sam Fruscione

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.

Yeas 5
Nays 0

ADOPTED

CITY CLERK, APPOINTMENT

Agenda Item #4

Re: Approval of appointment of Carol A. Antonucci as City Clerk

Pursuant to the power vested in me by Section 2.3 (a) of the City Charter of the City of Niagara Falls, New York, I hereby appoint Carol Antonucci as City Clerk of the City of Niagara Falls, New York.

Will the Council kindly confirm such appointment?

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

Yeas 5
Nays 0

APPROVED

Hon. Diane Vitello, City Court Judge, thanked the Council Members for the privilege of administering their Oaths of Office.

The Council Members expressed their thanks to their colleagues and Department Heads for their support, and pledged to work together with the Administration in the coming year to continue to move the City forward.

There being no further business to come before the Council, Chairman adjourned the Meeting at 4:25 p.m.

Carol A. Antonucci
City Clerk

The first session of the January 11, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:00 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to amend the Minutes of December 28, 2009 by correcting date in the Table of Contents to 2009.

Yeas	5
Nays	0
	AMENDED

Council Member Fournier moved to approve the Minutes from the City Council Meeting of December 28, 2009 as amended and the Organizational Meeting of January 4, 2010.

Yeas	5
Nays	0
	APPROVED

Tom Vitello, Member of the Water Board, gave an update on the Board. He reported that action on the Board's Budget was tabled at last month's Meeting so that a new Board Member had a chance to review the Budget; approximately 80 – 85% of the claims for the 56th Street water main break had been handled, and the others were either waiting for additional documentation or would be pursued by the homeowners on their own; the Board's Executive Director was retiring at the end of January, and a shared Director had been suggested but Mr. Vitello did not feel that would be a good idea since the Director would then have divided loyalties; the Board is pursuing Federal grant funds; and, the Mayor had not re-appointed George Morreale to the Water Board, nor had he returned Mr. Vitello's calls to discuss the appointment.

In the Administrative Update:

1. City Administrator Donna Owens thanked the Public Works Department staff for their efforts during the heavy snowfall last week, and also thanked Public Works Director David Kinney, Superintendent of Police John Chella, Fire Chief William MacKay, and Council Members Kristen Grandinetti and Charles Walker for participating in the Block Clubs Retreat. She also reminded those present of the Mayor's State of the City Address on January 28 at the Conference Center.
2. Civil Engineer Robert Buzzelli reported that the pre-testing required by the DEC for the Lewiston Road Project was being done, and Mayor Dyster added that Findlay Drive was being used as a staging area for the Project, and would be repaired when the Project was completed.
3. City Administrator Owens said that the Administration was waiting to be informed by the School Board of their level of commitment for the Hyde Park Ice Rink Project, and Council Member Fournier emphasized that the Project needs to start in April, as scheduled.
4. Mr. Buzzelli also reported that the design for the Abate Basketball Courts has been sent to the Administration, and once the scope of the Project is decided, bid documents will be put out, and the Project will begin once the weather breaks.

5. Economic Development Director Peter Kay gave an update on economic development: the Governor, in his State of the State Address, said that the Empire Zone Program would be replaced with a Manufacturing Legacy Program that would have the three components of jobs, research and development and investment credits and would target abandoned and undeveloped sites; franchise agreements are being negotiated for the Inn on the River and the Fallside Hotels, and the projects cannot move forward until a franchisee is selected, but security is being maintained at the sites; and the appraisal for the Econolodge site has not yet been done. Mayor Dyster added that he had met with Dennis Mullen of Empire State Development. Council Member Walker said that the City needs to be aggressive in seeking and be ready for economic development projects. Chairman Fruscione asked that Mr. Kay look into helping those operating the Misty Dog and Twist of the Mist, as their leases have been terminated.

Mayor Dyster reported that the loan application for the Fallside Hotel had been approved; the New Year's Eve event at the Hard Rock was very successful; and contracts for funding Hard Rock Concerts and the Blues Festival for this year were on the Agenda for approval in order to allow the promoter to get started on setting dates and lining up participants. Chairman Fruscione noted that the amount of the City's contribution for the Blues Festival keeps going up each year, and Council Member Walker asked if the cost of overtime in the Public Works and Police Departments is included in the City's contribution. Corporation Counsel Craig Johnson responded that, in the past, overtime costs were not factored into the City's contribution, and Superintendent of Police John Chella said that he would get the overtime costs for his Department. Chairman Fruscione asked that the numbers be made available at the next Council Meeting. Council Member Walker asked if the New Year's Eve concert at the Hard Rock was included in the figure for the Council to approve, and the Mayor said that it could be negotiated. Council Member Fournier added that the public needs to know that revenue is generated from the parking ramp by downtown events, and Council Member Grandinetti asked about vendor participation in downtown events. She was informed that Global Spectrum was contracted to coordinate vendors to participate in downtown events.

Council Member Anderson asked Public Works Director David Kinney about clearing sidewalks for accessibility by handicapped persons, and Mr. Kinney responded that his Department had begun to clear the sidewalks in the business areas of the City, and the business owners would be billed for the service. In residential areas, if a complaint was received, the City's Clean Neighborhood Enforcement Officer would contact the homeowner. In the downtown and business areas, DPW laborers cleaned out and salted the sidewalk intersections.

Council Member Fournier inquired if other municipalities were making contributions to the Bicentennial War of 1812 Celebration (Agenda Item #8), and the Mayor said that Niagara Falls would be the first, but the Commission would lobby the State for funding also.

This Session ended at 5 PM.

Chairman Fruscione reconvened the Meeting at 7:02 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 Items #5 & #6
Candace Corsaro	Agenda Items #5, #6 & #8
Nicholas D'Agostino	Agenda Items #5, #6 & #7
Candace Corsaro	Hyde Park Business Association
Nicholas D'Agostinno	Thanks for South Junior Park & 19th Street Police sub-Station; more funding for Gill Creek Park; City funding for small events & NFR status

The following was RECEIVED AND FILED:
Agenda Item #1
Claims Report for December, 2009.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: JMD ENVIRONMENTAL INC., CHANGE ORDER ASBESTOS REMOVAL

Agenda Item #2
RE: Approval of change order to contract with JMD Environmental, Inc. for asbestos removal
A contract for the above referenced project was awarded to JMD Environmental Inc. on November 24, 2008 in the amount of $123,300.00
This contract was awarded using Community Development Block Grant funds as the source of funding. Due to the fact that a substantial portion of the demolitions are also being funded with Casino revenues, the costs associated with the required asbestos surveys and air monitoring must also be paid with Casino revenues.
Therefore, it is our recommendation that $50,000.00 in Casino revenues in budget code H.0910.2009.0449.599 be dedicated to asbestos related costs incurred in the demolition process. This may most easily be accomplished by authorizing a change order to the existing Community Development contract with JMD Environmental Inc.
Will the Council vote to so approve and authorize the Mayor to execute Change Order #1 to the above referenced contract in the amount of $50,000.00?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: HERITAGE CONTRACT FLOORING LLC; MUNICIPAL SERVICES COMPLEX

Agenda Item #3
RE: Approval of Bid #52-09 with Heritage Contract Flooring LLC for vinyl floor tile for the Municipal Services Complex at a cost of $13,995.00
We respectfully request you award the above referenced bid as follows:
TO: Heritage Contract Flooring LLC
29 Depot Street
Buffalo, NY 14206
FOR: Vinyl floor tile installation at the Municipal Services Complex: $13,995.00
The City Purchasing Agent 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) vendors. Three bids were received. The above referenced company submitted the lowest bid. Bids were also received from Pro Carpet, Inc. ($25,595.00) and Mooradian Rug Co. ($47,795.00).
Funds for this expenditure are available in the Capital budget code: H0629.2006.0629.0443.000.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: WATTS ARCHITECTURE & ENGINEERING, P.C.;CHANGE ORDER, CITY HALL FLOODING STUDY

Agenda Item #4

RE: Approval of change order to contract with Watts Architecture & Engineering P.C. for an additional $7,000.00 regarding City Hall Flooding study

A contract for consultant services for the above referenced project was awarded to Watts Architecture & Engineering, P.C. on September 8, 2009 in the amount of $21,500.00.

Subsequent to the start of the field investigation portion of the study, specific dimensions and field measurements alluded to the existence of additional buried piping. The piping in question is not presently depicted on existing record drawings and therefore not presently a portion of the Consultant's scope of work. The costs associated with the additional video inspection and analysis is $7,000.00, bringing the total study contract amount to $28,500.00. Funding is available from 2009 fund balance.

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

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

Yeas 5

Nays 0

APPROVED

HARD ROCK CAFÉ,CO-PROMOTIONS; SUMMER CONCERT SERIES

Agenda Item #5

RE: Approval to fund Hard Rock Concert series in an amount not of $180,000.00 for 6 concerts

The City has been asked once again by Hard Rock Café to partner with the Hard Rock in presenting six (6) outdoor concerts during 2010 featuring live music. The locations for each of these six concerts have not yet been precisely determined but will be in the vicinity of the Hard Rock Café. The dates have also not yet been determined. As in the past, it is anticipated that Co-Promotion Agreements for each of the six concerts will be developed for each concert in form and in substance satisfactory to the Corporation Counsel. The City has been asked to contribute $180,000 for these six concerts. The amount for each concert may vary, depending upon the entertainment featured and will be described in each Co-Promotion Agreement but in no event will the City's contribution for all six concerts exceed $180,000. Funding is available as follows: $53,573 from 2007 Casino Funds and $126,427 from 2008 Casino Funds.

Will the Council authorize the expenditure of $180,000 for these six Hard Rock Concert events and authorize the Mayor to execute co-promotion Agreements for each event in form and substance satisfactory to Corporation Counsel?

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

Yeas 4

Anderson, Fournier, Grandinetti, Fruscione

Nays 1

Walker

APPROVED

NIAGARA FALLS BLUES FESTIVAL

Agenda Item #6

RE: Approval to fund the Blues Festival in an amount not to exceed $40,000.00

The Niagara Falls Blues Festival is being planned for September 9, 10, and 11th, 2010 in Downtown Niagara Falls, New York. The Niagara Festival & Entertainment Group, Inc. is sponsoring the event once again. The City has been asked to contribute a sum of money not to exceed $40,000 to help defray the cost of this event. The precise location for this event in Downtown Niagara Falls has yet to be determined. Funding is available as follows: $30,000 from 2007 Casino Funds and $10,000 from 2010 Tourism Fund Account No. T.6410.0000.0449.070. The City's contribution is subject to the terms and conditions to be contained in a funding Agreement in form and substance satisfactory to the Corporation Counsel and to be prepared by the Corporation Counsel.

Will the Council approve funding and authorize the Mayor to execute a funding Agreement?

Council Member Walker moved that the communication be tabled.

Yeas 5

Nays 0

TABLED

GRANT: ELIMINATE VIOLENCE AGAINST WOMEN, POLICE DEPT.

Agenda Item #7

RE: Approval for the Police Department to accept a $36,422.00 grant under the Eliminate Violence Against Women program

The Police Department has applied for $36,422 grant under the Eliminate Violence Against Women Program for the period 4/1/10 through 3/31/11.

There is no City match required.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any agreements or other documents necessary to effectuate same?

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

Yeas 5

Nays 0

APPROVED

BICENTENNIAL WAR OF 1812 CELEBRATION

Agenda Item #8

RE: Approval to contribute $25,000.00 towards the Bicentennial War of 1812 Celebration

The City is planning to partner with Canada in planning for the Bicentennial War of 1812. The City will be coordinating an effort with the Bicentennial Celebration Legacy Council. The City has been asked to contribute $25,000 toward this planning effort. Funding is available from the first half of 2009 Casino revenues. This is subject to the preparation of an Agreement in a form and content satisfactory to the Corporation Counsel.

Will the Council so approve?

Council Member Walker moved to table the communication.

Yeas 1

Walker

Nays 4

Anderson, Fournier, Grandinetti, Fruscione

DEFEATED

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

Yeas 0

Nays 5

DEFEATED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

LOCAL LAW 2009-2; STATE FILING

RECEIVED AND FILED

Agenda Item #9
RE: Notice of NYS Filing of Local Law 2009-2 relative to changing the name of "Inspections" to "Department of Code Enforcement"

RESOLUTION: BOARD OF ASSESSMENT REVIEW; APPOINTMENT, 2010-

Agenda Item #10
Relative to appointment to the Board of Assessment Review
BY: Council Member Robert A. Anderson, Jr.
BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Board of Assessment Review effective immediately for the expiration date, which appears opposite his/her name:

APPOINTMENT	**TERM EXPIRES:**
Mr. Jon Culbert 7703 West Rivershore Drive Niagara Falls, NY 14304 283-2855	9/30/2014

THIS ITEM WAS PULLED FROM THE AGENDA

RESOLUTION: SENIOR CITIZEN COUNCIL, APPOINTMENTS, 2010-4

Agenda Item #11
Relative to appointments to the Senior Citizen Council
BY: Council Chair Sam Fruscione
BE IT RESOLVED, that the following individuals are hereby appointed to The City of Niagara Falls Senior Citizen Council effective immediately for the expiration date, which appears opposite their names:

APPOINTMENT	**TERM EXPIRES:**
Ann Wehrmeyer 2913 Weston Avenue Niagara Falls, NY 14305 – 297-6520	12/31/2010
Lucy Hamera 3019 Welch Avenue Niagara Falls, NY 14303 – 284-6638	12/31/2012
Anne Hesson 3640 Ferry Avenue Niagara Falls, NY 14301 – 285-5142	12/31/2012
Myral Gilmore 2053 Virginia Avenue Niagara Falls, NY 14305 – 285-9276	12/31/2012
Cecelia Alati 2728 Woodlawn Avenue Niagara Falls, NY 14301 – 297-5032	12/31/2012
Joseph Paonessa 1064 – 96th Street Niagara Falls, NY 14304 – 297-8824	12/31/2012
Yeas	5
Nays	0
	ADOPTED

RESOLUTION: BOARD OF APPEALS, APPOINTMENTS, 2010-5

Agenda Item #12

Relative to appointment and re-appointment to the Board of Appeals

BY: Council Member Steve Fournier

BE IT RESOLVED, that the following individuals are hereby re-appointed to the City of Niagara Falls Board of Appeals effective immediately, for the expiration date, which appears opposite their names:

RE-APPOINTMENT	**TERM EXPIRES:**
Antonio Restaino 2478 Forest Avenue Niagara Falls, NY 14301 284-4934	12/31/2012
Vincent Spadorcia 1319 Willow Avenue Niagara Falls, NY 143053 284-6579	12/31/2012
APPOINTMENT	
Christopher M. Stoianoff 2126 North Avenue Niagara Falls, NY 14305 523-2838	12/31/2012

Yeas 5

Nays 0

ADOPTED

RESOLUTION: DR. MARTIN LUTHER KING, JR., HONORING, 2010-6

Agenda Item #13

Relative to Honoring Dr. Martin Luther King, Jr.

BY: All Council Members

Whereas, the Rev. Dr. Martin Luther King Jr. was born January 15, 1929 and died April 4, 1968 from an assassins bullet. Our world, our nation, our city, our community suffered a tremendous loss; and

Whereas, the legacy of Dr. King who sacrificed in the struggle to create a just world, is important to all who seek to make America that sweet land of liberty; and

Whereas, the Rev. Dr. Martin Luther King Jr. who was considered our countries greatest advocate of nonviolent liberation went to Memphis to build a coalition to redirect our nations spending from fighting wars to creating jobs and ending poverty; and

Whereas, many wondered how the dream would survive without the dreamer, but history records that sadness and anxiety gave way to determination and action. So much so that 40 years after the human rights activist was assassinated, this country elected the first African American President of the United States of America; and

Whereas, as we also recognize that there is much to be done, just as Dr. King did when in the wake of historic gains in civil and voting rights, he sought to direct our attention to the need for fundamental changes in the political and economic life of the nation, so that justice could truly prevail and opportunity could flow to every American.

Therefore, we the Niagara Falls City Council join our nation on January 18, 2010 in celebration of the Life and Legacy of the Rev. Dr. Martin Luther King Jr., and ask all citizens on this day and in his memory, to commemorate Dr. King’s vision and at the same time, invigorate ourselves with resolve and forbearance to make his dream a reality from sea to shining sea.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: DETECTIVE FRANK J. CONEY, HONORING, 2010-7

Agenda Item #14
Relative to Honoring NF Police Detective Frank J. Coney
BY: All Council Members

WHEREAS, on January 23, 2010, Detective Frank J. Coney will celebrate 42 years of service with his retirement from the Niagara Falls Police Department; and

WHEREAS, Detective Coney began working as an M.P. in the military when he decided he wanted to become a Police Officer. He began working on the streets as a member of the Niagara Falls Police Department's Tactical Patrol Unit. Just two years after that, he was promoted to the detective bureau because the chief at the time "wanted some young guys there." Detective Coney threw himself into the investigative work and in just a few years was tapped to join Niagara County's Major Crimes Task Force. Detective Coney and his partners were soon criss-crossing the country tracking down criminals from Denver to Dallas and Las Vegas to numerous other places; and

WHEREAS, Detective Coney's departure from the detective bureau is a real change for those who remain. He will be remembered as an unbelievable teacher. His experience and demeanor helped to guide everyone in the bureau. Detective Coney's legacy will live on because of the detectives he has trained.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council congratulate Detective Frank Coney upon his retirement from the Niagara Falls Police Department and wish him the best in enjoying everyday life.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: PLANNING BOARD, APPOINTMENTS, 2010-8

Agenda Item #15
Relative to appointment and re-appointment to the Planning Board
BY: Council Chair Sam Fruscione
Council Member Kristen Grandinetti

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Planning Board effective immediately, for the expiration date, which appears opposite his/her name:

RE-APPOINTMENT	**TERM EXPIRES:**
Richard Smith 1021 - 96th Street Niagara Falls, NY 14304 298-1950	12/31/2012
APPOINTMENT	**TERM EXPIRES:**
Lisa Vitello 4859 Terrance Drive Niagara Falls, NY 14305 285-3184	12/31/2012

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENTS, 2010-9

Agenda Item #16

Relative to the continuation of the Tourism Advisory Board and it's appointments

BY: All Council Members

WHEREAS, the Niagara Falls Council by this Resolution, re-establishes the Tourism Advisory Board and by Resolution - set its membership at sixteen (16); and

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board during 2010.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York continues the Tourism Advisory Board consisting of sixteen (16) members appointed by the City Council; and

BE IT FURTHER RESOLVED that the Board in its function shall cease one (1) year from the date of the adoption of this Resolution.

BE IT FURTHER RESOLVED that the following individuals are hereby appointed to the City of Niagara Falls Tourism Advisory Board effective January 1, 2010 for the expiration date which appears opposite their names:

APPOINTMENTS	**TERM EXPIRES:**
Adrienne Bedgood – 2256 South Avenue/Niagara Falls,NY 14305	12/31/2010
Vince Catanzaro – 2256 Forest Avenue/Niagara Falls,NY 14301	12/31/2010
Denise Easterling – 1306 Willow Avenue/Niagara Falls,NY 14305	12/31/2010
Jerauld Genova – 757 Seymour Avenue/Niagara Falls,NY 14305	12/31/2010
Mark Mistriner – NCCC Niagara Culinary Institute 3111 Saunders Settlement Road - Sanborn, NY 14132	12/31/2010
Vince Mameli – 462 – 77th Street/Niagara Falls,NY 14304	12/31/2010
Gay Molnar – 2114 River Road/Niagara Falls,NY 14304	12/31/2010
Randy Umbriaco – 837 – 15th Street/Niagara Falls,NY 14301	12/31/2010
Lisa Vitello – 4859 Terrace Drive/Niagara Falls,NY 14305	12/31/2010
Laurie Davis – 1316 – 24th Street/Niagara Falls,NY 14301	12/31/2010
Bob Drozdowski – 2554 Falls Street/Niagara Falls,NY 14303	12/31/2010
Phillip Villella – 795 Rainbow Blvd/Niagara Falls,NY 14303	12/31/2010
Robert Ventry – 1884 Niagara Avenue/Niagara Falls,NY 14305	12/31/2010
Joseph Urso – 1887 Niagara Avenue/Niagara Falls, NY 14305	12/31/2010
Yeas	5
Nays	0
	ADOPTED

RESOLUTION: FUNDING, BUFFALO AVENUE, CAYUGA DRIVE, PACKARD ROAD PAVING, 2010-10

Agenda Item #17

Relative to funding for paving of Buffalo Avenue, Cayuga Drive and Packard Road

BY: Council Chair Sam Fruscione

WHEREAS, a Project for Pavement Resurfacing, Mill and Overlay, of Buffalo Avenue from Veterans Drive to 24th Street, Cayuga Drive from Tuscarora Road to Military Road and Packard Road from Niagara Falls Boulevard to Hyde Park Boulevard, in the City of Niagara Falls, Niagara County, PIN 5758.91, (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 Construction & Construction Inspection phase of the project PIN 5758.91 .

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

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

RESOLVED, that the City 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 Construction & Construction Inspection phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of $ 221,000 is hereby appropriated from 2010 Casino Revenues earned in 2009 and made available to cover the cost of participation in the above phase 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 Construction & Construction Inspection phase exceeds the amount appropriated, $ 221,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds $ 1,103,000 , the City of Niagara Falls shall convene its City 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 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 therefore that are not so eligible; and it is further

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

RESOLVED, this Resolution shall take effect immediately.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: PROPERTY ACQUISITION RE: BUFFALO AVENUE RECONSTRUCTION, 2010-11

Agenda Item #18

Relative to the approval of acquisition of property related to reconstruction of Buffalo Avenue

BY: Council Chairman Sam Fruscione

WHEREAS, the City of Niagara Falls is currently progressing a project to reconstruct Buffalo Avenue; and

WHEREAS, the City of Niagara Falls is required to procure land to reconstruct said highway; and

WHEREAS, two parcels of land required for this project are owned by the State of New York through the New York State Department of Transportation; and

WHEREAS, maps of the required parcels of land have been completed by the City and reviewed and approved by the New York State Department of Transportation as to form; and

WHEREAS, these maps are noted as Map 6001-C, Parcels 6001 and 6002 (PIN No. 5460.28).

NOW THEREFORE BE IT RESOLVED that the City of Niagara Falls will assume ownership and maintenance responsibility of said parcels to construct said project; and

BE IT FURTHER RESOLVED that the City of Niagara Falls will continue to own and maintain Buffalo Avenue; and

BE IT FURTHER RESOLVED that the Mayor of the City of Niagara Falls is authorized to execute any agreements or documents necessary to effectuate the purposes of this resolution.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:25 p.m.

Carol A. Antonucci
City Clerk

January 25, 2010

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

The first session of the January 25,2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of January 11, 2010.

Yeas 5
Nays 0
APPROVED

Merrell Lane, Chairman of the Niagara Military Affairs Council, gave a presentation on the group's activities and issues facing the Niagara Falls Air Reserve Station. The group has a Washington consultant to lobby on it's behalf, and contact with government officials on the State and Federal level is maintained. Council Member Anderson complimented Mr. Lane on the efforts of his group to keep the Air Base open and the benefits it provides to the community and the thousands of local persons who are employed there. Mayor Paul Dyster added that keeping the Base open also helps to keep costs down at the Niagara Falls International Airport.

For the Administrative Report, City Administrator Donna Owens reported that:

1. The report that was requested at the last Council Meeting about City costs incurred for various events had already been forwarded to the Council.
2. A display case for the lobby of City Hall to hold memorabilia has been designed by Viola Cabinet at an approximate cost of $8,600.
3. The Mayor and Administrator attended the US Conference of Mayors in Washington, where the Mayor met with President Obama and the Administrator attended a Session where the First Lady spoke on combating childhood obesity.
4. The Mayor will give his State of The City Address on January 28 at 6 PM at the Conference Center.

City Administrator Owens introduced City Engineer Thomas Radomski, who gave an update on the Lewiston Road Project, and noted that ground should be broken on the Project at the end of March.

Fire Chief William MacKay suggested donating fire trucks which have been replaced to Haiti to help the residents with the recent disaster. Corporation Counsel Craig Johnson and City Controller Maria Brown interjected that ethics violations may be involved in donating the equipment.

Director of Public Works David Kinney said that he had sent a letter to the lessees of the Hyde Park Ice Pavilion relative to conditions at the building to inform them of their obligations in maintaining the Building. Mayor Dyster added that the Board of Education had informed him that they were not interested in joining the City to rehabilitate the building, but Assemblywoman Francine DelMonte had intervened to ask the Board to reconsider, and a meeting would be scheduled.

City Administrator Owens said that LiRo had provided drawings for the proposed basketball courts at Abate School, and the courts could possibly be ready for use by this summer.

Kevin Cottrell, North Star Project Coordinator, reported that he was working on the RFP for the Interpretive Center, the Commission had been

seated, a stakeholders workshop was scheduled, and the City funds for the Project had been used to formulate a Management Plan.

Senior Planner Thomas DeSantis said that the RFP's for Jayne Park were due back today, and Chairman Fruscione and the other Council Members stressed that input from the residents of Cayuga Island was critical, and every effort should be made to insure that the residents concerns are heard.

City Engineer Thomas Radomski reported that bids have been received for the Tenth Street Project, and the City is waiting for Federal approval. The design work for the 72nd Street Project should be completed by the end of February, and the Project should be completed this summer.

City Administrator Owens said that events are publicized on the City's website for the public's information.

Regarding the 2010 Census, City Administrator Owens informed the Council that the City had submitted a grant application to fund a Census outreach program which was denied, and the Council Members suggested enlisting the help of the Block Clubs and the School District to stress the importance of getting every resident of the City counted in the Census.

Chairman Fruscione asked Mr. Kinney to insure that the areas around bus stops are kept cleared of snow.

Mr. Johnson explained amendments to Agenda Items and an additional Item to be added to the Agenda:

1. Item # 14, relative to the sale of 2818 Highland Avenue, should be amended to make the sale subject to the approval of the Planning Board.

Council Member Fournier moved to amend the Item.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

2. Item #22, relative to the In Rem Auction bids, should be amended to add an additional property to Schedule B.

Council Member Fournier moved to amend the Item.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

3. Add to the Agenda an Item relative to approval of Bid to purchase asphalt paver and trailer.

Council Member Fournier moved to add the Item to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD ITEM TO AGENDA APPROVED

The Item was added to the Agenda as #33.

Chairman Fruscione questioned the use of funding in a request for a budget transfer within the Department of Code Enforcement (Agenda Item #16), and asked if the funds would be dispersed at the discretion of the Director of the Department. Mayor Dyster responded that the funds would be used to cover shortfalls in other budget lines in the Department.

Mayor Dyster informed the Council Members that the request to remove the 2 hour parking restriction on 9th Street (Agenda Item #25) had come from the residents of Spallino Towers.

Council Member Fournier moved for an Executive Session to discuss a personnel matter at 5:30 PM, and his motion was unanimously approved. The Executive Session ended at 5:44 PM with the motion of Council Member Anderson, which was unanimously approved.

This Session ended at 5:44 PM

Chairman Fruscione reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Ron Anderluh	Agenda Item #2
Daria Sterner	Agenda Item #21
Nicholas D'Agostino	Agenda Items #2, #3, & #9
Ken Hamilton	Agenda Items #14, & #17
Allison Pasquantino	Orchard Pkwy.Historical Designation
Ron Anderluh	CD Funding for demolitions
Maureen Fennie-Collura	Robert Moses Pkwy.
Nicholas D'Agostino	Thanks for demolitions done & donations to Haiti
Ken Hamilton	South Jr. Park, Abbott Basketball Courts, Drisdom claim

The following was RECEIVED AND FILED:
Agenda Item #1
City Clerk's Report for December, 2009.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

ECONOMIC DEVELOPMENT/NEIGHBORHOOD REVITALIZATION COORDINATORS

Agenda Item #2

RE: Approval of $48,000.00 in grants for the 2010 Economic Development/Neighborhood Revitalization Coordinators

Four grants of $12,000 each are proposed for the 2010 economic development/neighborhood revitalization coordinators for Pine Avenue Business Association, Inc., Main Street Business and Professional Association, Inc., Niagara Street Area Business Association and Downtown Niagara Falls Business Association. Funds are available from 2008 State Finance Law §99-h casino revenues received in 2009 and designated for economic development.

As in the past, the association will be reimbursed for the coordinators at the rate of $20.00 per hour. Each association will be eligible to receive up to $1,000 per month for up to 50 hours per month of work performed by the coordinator to the association. The association and the coordinator will be subject to conflict of interest restrictions and will be prohibited from engaging in political activity.

Will the Council vote to approve grants 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.

Yeas	4
Nays	0

APPROVED

Council Chairman Fruscione abstained

COMMUNITY DEVELOPMENT: SECTION 8 STAFF REALIGNMENT

Agenda Item #3

RE: Approval of Budget Amendment for Community Development Section 8 Staff Realignment

The recent retirement of the Leased Housing Counselor in the Section 8 Division of the Department of Community Development allows for the realignment of staff to administer the program in a more cost effective manner. This will be accomplished at a net savings to the program. It is our recommendation that Council approve the following realignment of staff positions:

- maintain the position of the retired Leased Housing Counselor, Grade 13, unfilled and funded at $1 in the budget.
- the Department currently has one (1) Associate Leased Housing Counselor at Grade 10. We are proposing the creation a second Associate leased Housing Counselor to be filled on a provisional basis by promoting the current Leased Housing Intake Technician from a Grade 4.
- leave the vacancy created at Leased Housing Intake Technician unfilled and funded at $1 until the Associate Leased Housing Counselor is tested and appointed from the Civil Service List
- create a second Intake Technician at Grade 4 effective January 25, 2010

This realignment will result in a net savings and will not increase the number of staff positions in the Section 8. Will the Council vote to so approve the staff realignment as outlined above?

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

Yeas	5
Nays	0
	APPROVED

PURCHASE: BACKHOE LOADER, FIVE STAR EQUIPMENT, INC.

Agenda Item #4

RE: Approval of Bid #51-09 with Five Star Equipment, Inc. for Backhoe Loader in the amount of $80,735.00

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

TO: Five Star Equipment, Inc.
284 Ellicott Road
Orchard Park, NY 14127

FOR:	One (1) John Deere Model 310 backhoe loader:	$79,560.00
	Power Train & Hydraulics extended warranty:	1,175.00
	TOTAL:	**$80,735.00**

The City Purchasing Agent 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 seven (7) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the Capital code: H0912.2009.0230.000

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

Yeas	5
Nays	0
	APPROVED

LEWISTON ROAD RECONSTRUCTION, MAN O'TREES, CHANGE ORDER

Agenda Item #5

RE: Reconstruction of Lewiston Road NYS from Bath Ave. to Niagara Falls North City Line-PIN 5045.24 Change Order #1-$0.00

A contract for the above referenced project was awarded to Man O'Trees, Inc. on June 29, 2009 in the amount of $ 7,713,000.00.

Subsequent to the start of work, it was determined that to best preserve the traveled roadway surface during construction, temporary cold-weather asphalt material be utilized at locations determined by the construction manager. The "not-to-exceed" dollar amount for this material equals $43,527.00. However, current cost underruns in other bid items in this contract will allow the introduction and use of the temporary asphalt material with no change ($0.00) to the existing contract total.

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

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

Yeas	5
Nays	0
	APPROVED

CENSUS BUREAU, US, CITY HALL USE

Agenda Item #6

RE: United States Census Bureau

The United States Census Bureau will be conducting the 2010 Census and has asked the City to donate space for this purpose. Space is available on the ground floor of City Hall. The Census Bureau advises that peek usage will extend from March 19, 2010 thru April 19, 2010. The City will make available space for the entire month of March and the entire month of April. Attached (on file in City Clerk's Office) is a donor form.

Will the City Council authorize the Mayor to execute this form?

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: SPCA, EXTENSION

Agenda Item #7

RE: Contract between the City of Niagara Falls, New York (the "City") and the Niagara County Society for the Prevention of Cruelty to Animals (the "SPCA")

The SPCA is in the process of attempting to hire a new Executive Director. The City's contract with the SPCA expired on December 31, 2009. The City and the interim Director of the SPCA have discussed a new contract and a continuation of the existing contract until a new Director is hired who will negotiate with the City in the development of a new contract. It is desirable to extend the existing contract thru April 30, 2010 in order to give the SPCA sufficient time to hire a new Executive Director and enter into discussions with the City. Attached (no attachment) is an extension Agreement which will accomplish this.

Will the City Council authorize the Mayor to execute the extension Agreement?

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

Yeas	5
Nays	0
	APPROVED

COUNCIL CHAMBERS, UPHOLSTERY REPAIRS, FUNDING

Agenda Item #8

RE: Council Chamber Upholstery

It is necessary to repair the upholstery on various chairs in the City Council Chambers that is torn. The cost to perform these repairs will not exceed $6,860.00. Funding is available through Casino interest for the Buildings/City Hall Account No. A1620.2300.0449.599.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: NIAGARA FINE ARTS PROGRAM, INC.

Agenda Item #9

RE: Agreement with Niagara Fine Arts Program, Inc.

Niagara Fine Arts Program, Inc. has once again offered to organize and provide Concert Programs during the months of July and August on Friday evening in the Downtown area and on Sunday evenings at the steps of the NACC. The cost to the City for the Concert Programs on Friday evenings in the Downtown area will be $12,000.00 and the cost to the City of the Concert Series on Sunday evenings will be $12,000.00.

Funding is available as follows: $20,000 from the concert line of the Tourism budget (T.6410.0000.0449.068) and $4,000 from Casino interest.

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

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: NIACAP

Agenda Item #10

RE: NIACAP

The 2010 budget contains an appropriation of $27,500 for NIACAP. In order to effectuate this, an appropriation agreement with NIACAP is required.

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

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

Yeas	4
Nays	0
	APPROVED

Council Chairman Fruscione abstained

CONTRACT: NIMAC, BEAUTIFICATION COMMISSION, BLOCK CLUB COUNCIL, NACC,OSC, FUNDING

Agenda Item #11

RE: Nonprofit Agreements

The 2010 budget contains an appropriations of $2,500 for NIMAC; $5,000 for the Niagara Falls Beautification Commission; $10,000 for the Niagara Falls Block Club Council; $30,000 for NACC; and $10,000 for OSC21. In order to effectuate these, appropriation agreements with the respective agencies are required.

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

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

Yeas 5

Nays 0

APPROVED

PURCHASE: ASPHALT PAVER AND TRAILER, FUNDING

Agenda Item #12

RE: Purchase of Asphalt Paver and Trailer

The Director of the Department of Public Works has identified a need for the purchase of a small asphalt paver and trailer. The cost for this asphalt paver and trailer will not exceed $135,000. Funding is available through the Motor Vehicle Equipment Account No. H0912.2009.0912.0230.000.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

UNIFIED COURT SYSTEM, SECURITY AGREEMENT, RENEWAL

Agenda Item #13

RE: Renewal of Security Agreement

The City has received a renewal contract for a 5-year period commencing on April 1, 2009 and terminating March 31, 2014 with the Unified Court System.

The 5-year term is divided into annual 1-year renewal periods and the initial period would run from April 1, 2009 through March 31, 2010. As most security services for the Niagara Falls City Court are now provided directly by the Unified Court System the maximum amount of reimbursement for this period will be $51,400.

Will the Council so approve and authorize the Mayor to sign any required documentation?

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

Yeas 5

Nays 0

APPROVED

CITY PROPERTY: 2818 HIGHLAND AVENUE, SALE

Agenda Item #14

RE: Sale of 2818 Highland Avenue

The City has received a request from the Niagara Falls Housing Authority to purchase the above-referenced vacant lot for the assessed value of $300.00.

This request has been reviewed by appropriate City staff and the Planning Board all of whom recommend its approval.

Will the Council so approve and authorize the Mayor to execute a Quit Claim Deed in a form acceptable to the Corporation Counsel?

Council Member Fournier moved to table the communication.

Yeas 4

Anderson, Fournier, Grandinetti, Fruscione

Nays 1

Walker

TABLED

CODE ENFORCEMENT DEPARTMENT: SIGN AND ZONING INSPECTOR, STIPEND

Agenda Item #15

RE: Sign and Zoning Inspector

In order to continue the duties of a Sign and Zoning Inspector while certain employees in the Department of Code Enforcement are on administrative leave, it is necessary to approve a stipend for an employee to perform those duties. The amount of this stipend is $3,000.00. Funding is available in the City Council Contingency Account No. A.1990.7630.0449.000.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CODE ENFORCEMENT DEPARTMENT: TRANSFER OF FUNDS

Agenda Item #16

RE: Building Inspections

In order to continue the level of service required in the Department of Code Enforcement, it is necessary to transfer $35,000.00 (inclusive of benefits if needed) from Account No. A.1990.7650.0449.000 to the undesignated service account line and/or the temporary services account line in the Department of Code Enforcement budget to be used in the discretion of the Director of the Department of Code Enforcement.

Will the Council so approve?

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

Yeas	0
Nays	5
	DEFEATED

CODE ENFORCMENT DEPARTMENT: TEMPORARY HELP

Agenda Item #17

RE: Temporary help for Department of Code Enforcement

It is requested that the Council approve a temporary position of Electrical Inspector (Grade 22) and also create the temporary position of Chief Plumbing Inspector (Grade 23B).

Funding for these positions will be available from the Department’s temporary line.

Will the Council so approve?

Council Member Fournier moved to table the communication.

Yeas	0
Nays	5
	TABLED

CITY HALL: GRANT FOR RESTORATION

Agenda Item #18

RE: Grant for City Hall Next Year Restoration

The City has previously entered into a Grant Agreement with New York State through the Office of Parks Recreation and Historic Preservation to restore the exterior of City Hall. The State share under this grant was $274,899 and the local match was an equal amount of $274,899.

The initial engineering work that was performed under this grant found structural issues with regard to the steps of City Hall and the City has asked that the grant be amended to focus mainly on the steps and front facade. The State has approved this and forwarded attached amendment (on file in City Clerk's Office).

This amendment increases the City share by $94,101 and funding is available in Special Projects Fund Balance.

Will the Council so approve and authorize the Mayor to execute same?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT; PINE AVENUE RESURFACING, ARMAND CERRONE, CHANGE ORDER

Agenda Item #19

RE: Pine Avenue resurfacing and roadway improvements from Hyde Park Blvd. to Walnut Ave. Change Order #1

A contract for the above referenced project was awarded to Armand Cerrone, Inc. on July 21, 2009 in the amount of $564,780.00.

At the project's outset, it was the City's intention to utilize any cost underruns to extend the work limits to as close to Walnut Avenue as possible. In an attempt to realize that initial goal, additional costs of $7,050.00 - approximately 1.25% - were incurred, bringing the project's final cost to $571,530.00 (Please note that upon project closeout, portions of this additional cost are reimbursable from the Niagara Falls Water Board).

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

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

Yeas	5
Nays	0
	APPROVED

RAINBOW CENTRE PARKING RAMP, REPAIR ASSESSMENT

Agenda Item #20

RE: Rainbow Centre, City Parking Ramp II-Conditions Assessment Update & Preliminary Design Services Agreement

The recent Memorandum of Understanding for the Proposed New NCCC Culinary School puts the responsibility on the City to undertake an updated Assessment of Ramp II and to engage in the necessary repairs needed, to the structure, which will allow the School Build-Out to occur.

In 2003, the City awarded a contract for Conditional Appraisal and Repair Options to Urban Engineers of New York for the City's Parking Ramps I and II. The recommendations of that assessment indicated that *both* Ramps were in need of major repair and subsequently the City undertook a demolition contract for Ramp I in lieu of repairs based on the condition of that structure. The City took no action with regards to Major Repairs for Ramp II and conditions have worsened over the last 7 years.

The City has been in discussions with Urban Engineers since 2006 for engineering services that would provide updates for cost with regards to construction estimates based on the 2003 study. Because of the accelerated decay since the original study and the stringent time lines and because of their initial involvement in 2003 on the previous studies, the City asked Urban Engineers for a proposal for engineering services for a New Conditions Assessment and Preliminary Design Services. Urban Engineers after a preliminary walk through and an expanded scope have provided us with a cost estimate to undertake this new work on a Time and Materials Contract, NOT TO EXCEED $175,000.00. Their proposed fees are for Condition Assessments (Existing and New Scopes), Cost Estimates, Prioritization of Work, Executive Summary and Final Reports, which in turn would be needed to structure Contract Documents for bidding the actual repair work.

The City will be reimbursed for the Engineering Assessments Cost through a funding agreement with USA Niagara Corporation.

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

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

Yeas	5
Nays	0
	APPROVED

BLUES FESTIVAL,

Agenda Item #21

RE: Niagara Falls Blues Festival

There was no motion to remove this communication from the table.
ITEM REMAINS ON TABLE

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

IN REM AUCTION BIDS

Agenda Item #22

RE: Approval of In Rem Auction Bids from December 15. 2009

Attached (on file in City Clerk's Office) is a list of bids from the December 15, 2009 auction.

With respect Schedule A serial numbers 0011, 0024, 0030, 0031, 0044, 0061, 0071, 0074, 0081, 0092, 0093, 0094, 0097, 0120, 0142, 0143, 0146, 0170, 0171, 0173, 0174 and 0175 and Schedule C serial numbers 0111, 0332, 0336, and 0418, 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's fees be forfeited pursuant to the terms of sale.

We also request, the rejection of the bid on Schedule A serial number 0159, and that the deposit and auctioneer's fee be refunded to the bidder and to approve the redemption and reconveyance to the prior owner as all outstanding taxes and fees have been paid.

We also recommend with regard to Schedule A that the bids for serial numbers 0147 and 0148 and Schedule C serial numbers 0358, 0359, 0360, 0389, 0421, 0533, 0534, 0535, and 0581 be rejected.

We also recommend that Schedule A serial numbers 0130, 0536, 0537, 0538, 0539, 0540, 0541, 0542, 0543, 0544 be rejected and if the bidder pays the delinquent taxes on other properties within 30 days, that the deposits and auctioneer's fees be refunded and if the delinquent taxes are not paid that the deposits and auctioneer's fee be forfeited in accordance with the terms of sale.

With the exception of the above, we recommend that the bids on Schedules A and C be approved. The bids on schedules B and D do not require Council approval and are submitted for your information. With respect to Schedule B serial numbers 0085, 0089 and Schedule D serial numbers 0042, 0204, 0267 and 0313, the bids are 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 auctioneers fees forfeited pursuant to the terms of sale.

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

Yeas	5
Nays	0

APPROVED

CLAIM: DRISDOM, JONAH R.

Agenda Item #23

RE: Request for Approval to Settle and Pay Lawsuit of Estate of Jonah R. Drisdom 145 Green Street, Lockport, New York 14094

Council Members:

Date Claim Filed:	December 17, 1997
Date Action Commenced:	September 15, 1998
Date of Occurrence:	April 17, 1997
Location:	600 block of Tenth Street, Niagara Falls, NY
Nature of Claim:	Personal injuries and death sustained during an altercation.
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$225,000.00
Make Check Payable to:	Estate of Jonah R. Drisdom and The Law Office of Jon Louis Wilson.
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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

SHERWOOD AVENUE & CHILTON AVENUE, DENIAL OF REQUESTS

Agenda Item #24

RE: Informational Item

At the Traffic Advisory Commission meeting held on January 13, 2010, the Commission:

DENIED:

1) Request submitted by Gerald Koziol, on behalf of his wife, Janet, 3670 Sherwood Avenue to **INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 3670 SHERWOOD AVENUE.** This item was tabled at the 10/6/09 TAC meeting pending the receipt of physician verification. Mrs. Koziol's physician did submit additional paperwork, but would not verify her wheelchair dependency and/or severe restriction of movement. Therefore, the Commission denied this request.

2) Request submitted by Sandra Barlow, Chilton Avenue Block Club, 702 Chilton Avenue, to **CHANGE THE EXISTING RESTRICTIONS ON CHILTON AVENUE BETWEEN WHIRLPOOL STREET AND MAIN STREET FROM ONE-SIDED OVERNIGHT PARKING WITH "NO PARKING TUESDAY 7A.M. TO 1P.M." ON THE SOUTH SIDE AND "NO STANDING ANYTIME" ON THE NORTH SIDE TO ALLOW OVERNIGHT PARKING MONDAY NIGHTS ONLY & PARKING TUESDAY DURING THE DAY ON THE NORTH SIDE OF THE STREET.** This request is in opposition to the City's Ordinances and the current overnight parking system currently in place in the City. In addition, this roadway is only 25' wide and cannot accommodate cars parking on both sides of the street at any time. Therefore the Commission denied this request.

This item was RECEIVED AND FILED

NINTH STREET, REMOVAL OF PARKING RESTRICTIONS

Agenda Item #25
RE: Remove two-hour parking restriction
At a Traffic Advisory Commission meeting held on January 13, 2010 the Commission recommended **APPROVAL** of the following item:
REMOVE TWO-HOUR (8A.M. TO 6P.M.) PARKING RESTRICTION ON 9TH STREET, EAST SIDE, FROM PINE AVENUE NORTH TO DEAD END

The request was made to accommodate the residents of Spallino Towers to park their cars on 9th Street with no restrictions.

Submitted By: Residents of Spallino Towers, 720 – 10th Street, to Mayor Paul Dyster

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
	APPROVED

NINTH STREET, 529, HANDICAPPED ACCESS SPACE

Agenda Item #26
RE: Install a 5' Handicapped access space in front of 529 9th Street
At the Traffic Advisory Commission meeting held on January 13, 2010 the Commission recommended **APPROVAL** of the following item:
INSTALL A 5' HANDICAPPED ACCESS SPACE

IN FRONT OF 529 – 9TH STREET

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

Submitted By: Margaret Elsberry, 529 – 9th Street

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

Yeas	5
Nays	0
	APPROVED

INDEPENDENCE AVENUE, 2727, HANDICAPPED ACCESS SPACE

Agenda Item #27

RE: Install a 5' Handicapped access space in front of 2727 Independence Avenue

At the Traffic Advisory Commission meeting held on January 13, 2010 the Commission recommended **APPROVAL** of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE

IN FRONT OF 2727 INDEPENDENCE AVENUE

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

Submitted By: Katie Boncore, on behalf of her child, Katie Coleman, 2727 Independence Avenue

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
	APPROVED

LOCKPORT STREET, PARKING

Agenda Item #28
RE: Change the existing "No Standing Anytime" restriction to allow parking on Lockport St, NW side, between Main St & 10th St
At a Traffic Advisory Commission meeting held on January 13, 2010, the Commission recommended **APPROVAL** of the following item:

CHANGE THE EXISTING "NO STANDING ANYTIME" RESTRICTION TO ALLOW PARKING ON LOCKPORT STREET, NORTHWEST SIDE, BETWEEN MAIN STREET & 10TH STREET

Request was made to provide parishioners of Covenant of Grace Ministries with a place to park during church events. "No Standing" restrictions will remain in place within 65′ of the Main Street intersection and 40′ of the 10th Street intersection to allow the free flow of traffic and to maintain sight distances.

Submitted By: Bertha Brinson, Trustee, Covenant of Grace Ministries, 1509 Main Street

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
	APPROVED

FOREST AVENUE, 2478, HANDICAPPED ACCESS SPACE

Agenda Item #29

RE: Install a 5’ Handicapped access space in from of 2478 Forest Avenue

At the Traffic Advisory Commission meeting held on January 13, 2010 the Commission recommended **APPROVAL** of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE

IN FRONT OF 2478 FOREST AVENUE

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

Submitted By: Niagara County Legislator Dennis Virtuoso on behalf of Anthony Restaino, 2478 Forest Avenue

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: ASSESSMENT REVIEW BOARD, APPOINTMENT, 2010-12

Agenda Item #30

RELATIVE TO APPOINTMENT TO THE NIAGARA FALLS BOARD OF ASSESSMENT REVIEW
BY: Council Member Robert A. Anderson, Jr.

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Board of Assessment Review effective immediately for the expiration date, which appears opposite his/her name:

APPOINTMENT	**TERM EXPIRES:**
Candace Corsaro 1826 North Avenue Niagara Falls, NY 14305 990-8916	9/30/2014

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: ILLUMINATION BOARD, APPOINTMENT, 2010-13

Agenda Item #31

RELATIVE TO APPOINTMENT TO THE ILLUMINATION BOARD FOR THE CITY OF NIAGARA FALLS
BY: Council Chair Sam Fruscione
BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Illumination Board effective immediately.

APPOINTMENT

Ms. Kristen M. Grandinetti
Member
Niagara Falls City Council
745 Main Street/PO Box 69
Niagara Falls, NY 14302
(716) 286-4301

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: APPEALS BOARD, APPOINTMENT 2010-14

Agenda Item #32
RELATIVE TO APPOINTMENT TO THE NIAGARA FALLS BOARD OF APPEALS
BY: Council Member Steve Fournier
BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Board of Appeals effective immediately,
for the expiration date, which appears opposite his/her name:

APPOINTMENT

Richard Kindzia — 12/31/2012
9115 Buffalo Avenue
Niagara Falls, NY 14304
(716) 283-1740

Yeas	5
Nays	0
	ADOPTED

PURCHASE: ASPHALT PAVER AND TRAILER, MONROE TRACTOR

Agenda Item #33
RE: Bid #1-10 Asphalt Paver and Trailer
We respectfully request you award the above referenced bid as follows:
TO: Monroe Tractor
5035 Genesee Street
Buffalo, NY 14225
FOR: One (1) 12,500 lb. small asphalt paver: $78,788.00
One (1) Trailer for paver: 16,497.00
Total: $95,285.00

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. The above referenced company submitted the only bid.

Council approval for funding this expenditure appears as a separate item on the agenda.

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

Yeas 5
Nays 0
APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 8:00 p.m.

Carol A. Antonucci
City Clerk

The first session of the February 8, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

AAA Vice President Wally Smith presented the AAA Bronze Award to Police Superintendent John Chella and Traffic Captain Salvatore Pino. Chief Chella noted that from 2007 to 2009, there was a 25% drop in traffic accidents. Captain Pino then introduced the members of the Traffic Division.

In the Administrative Update, City Administrator Donna Owens:

1. Encouraged all to fill out the Census forms when they are received, and noted that Federal and State dollars are distributed according to population. Interviews for Census takers are being held in Room 17 in City Hall.
2. On February 11, a Work Session will be held at the Conference Center by the Health Care Task Group.
3. Director of Code Enforcement Dennis Virtuoso spoke on addressing Main Street code violations, and said that he would need approximately $3,000 in overtime funds and three weekends to have Inspectors accomplish this, and the inspections could begin in the Spring and violators appear in Court in May.
4. City Engineer Thomas Radomski said that the design phase for the Buffalo Avenue road repairs should be completed by May, and then it should be another eighteen months to get Federal funding for the Project and shovels in the ground. Until the Project begins, Director of Public Works David Kinney said that his crews will continue to use the "zipper" for repairs on Buffalo Avenue.
5. Economic Development Director Peter Kay said that he was working with two large enterprises on Projects, the Culinary Institute Project is moving forward, the Niagara Club renovations are proceeding, the Rapids Theatre is encouraging development on Main Street, and the current graduating Entrepreneurial Class is the largest class to date. Chairman Fruscione added that the Department needs to focus on downtown development, and owners of vacant storefronts should be contacted about their plans for the properties. Director of Business Development Frances Iusi added that she is working on encouraging those attending the Entrepreneurial classes to focus on locating their businesses in the downtown area, and she is also trying to get tenants into buildings on Main Street.
6. Mr. Virtuoso and Community Development Director Robert Antonucci are working with $1.4M in funding for demolitions in 2010, and City Controller Maria Brown added that the funds could be appropriated at the next Council Meeting.
7. Deputy Corporation Counsel Chris Mazur spoke on the status of Union contract negotiations. He said that for the Police and Fire Unions, the matter is in being handled by PERB and/or an Arbitrator, and for the Steelworkers and Trades Unions, negotiations are ongoing. Mayor Paul Dyster added that negotiations are proceeding during a very uncertain economy, and Mrs. Brown added that there have been cuts in revenue, and therefore, there is no funding for employee raises.

Chairman Fruscione questioned the necessity of replacing carpeting in the new EEOC Office (Agenda Item #8), and asked if the flooding issue for the area had been corrected. Mrs. Brown informed him that $10,000 had been set aside for the Department, and the money for the carpet would have to come from that. Mayor Dyster added that work was being done to address the flooding issue. Mayor Dyster agreed to pull the Item from the Agenda.

Chairman Fruscione asked about the total cost for the appraisal for 399 Rainbow Boulevard (Agenda Item #10) and Corporation Counsel Craig Johnson responded.

Chairman Fruscione asked if the memorabilia cabinet had been put out for bids (Agenda Item #15), and Council Member Fournier added that he would like to see the work given to a business located within the City. City Administrator Owens added that the job could not be done in-house, and, since the price was less that $10,000, the job did not have to be put out for bids. Mayor Dyster agreed to pull the Item from the Agenda.

At 4:55 PM. Council Member Grandinetti moved for an Executive Session to discuss a personnel matter, and her motion was unanimously approved. The Executive Session ended at 5:17 PM when Council Member Walker's motion was unanimously approved.

This Session ended at 5:17 PM

Chairman Fruscione reconvened the Meeting at 7:07 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:

Merrell Lane	Agenda Item #14
Arthur Garabedian	Agenda Item #15
Ken Hamilton	Agenda Item #18
Arthur Garabedian	Locating Culinary Institute on Third Street
Ken Hamilton	Place Cabinet for memorabilia in Local History Department of Library

The following was RECEIVED AND FILED:
Agenda Item #1

Claims Report for the month of January, 2010.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR:

CONTRACT: TENTH STREET RECONSTRUCTION PROJECT, SUE-PERIOR CONCRETE & PAVING

Agenda Item #2
RE: Approval of Bids for the above referenced project:

CONTRACTOR	**BASE BID**
Sue-Perior Concrete & Paving 752 Wildwood Ave Salamanca NY 14779	$ 3,523,000.00
Mark Cerrone, Inc.	$ 3,748,765.00
Accadia Site	$ 3,849,286.20
CATCO, Inc.	$ 3,899,058.95
DiPizio Construction	$ 4,139,000.00
Sicar Construction	$ 4,642,502.75

It is the recommendation of the undersigned that this project be awarded to Sue-Perior Concrete & Paving at its Base Bid of $ 3,523,000.00. Funding is available under Capital Code H0632.2006.0632.0449.599.

Our design consultant Foit Albert Associates has reviewed and recommended award of this project to the above-referenced contractor. Similarly, the New York State Department of Transportation has reviewed the proposal package and granted permission to award. Please note that this award is contingent pending receipt of an executed agreement between the City of Niagara Falls and New York State Department of Transportation.

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: TENTH STREET/CEDAR AVENUE RECONSTRUCTION, FOIT-ALBERT, CHANGE ORDER #2

Agenda Item #3

RE: Approval of Change Order #2 to Foit-Albert Associates, P.C. in the amount of $494,854.00.

A contract for the above referenced project was awarded to Foit-Albert Associates, P.C. on May 29, 2007 in the amount of $555,000.00. Change Order #1 was approved by City Council on September 29, 2008, in the amount of $232,000.00, bringing the new contract total to $787,000.00.

Following the successful bid and pending award for the construction portion of the above referenced project, please approve this request for additional contract administration and construction inspection services. Those services are commensurate with all federally-funded "pass-thru" projects and are 95% reimbursable through our existing Federal and New York State Department of Transportation agreements. The cost for these services is $494,854.00, bringing Foit-Albert's Professional Services contract with the City for this project to a total of $1,281,854.00.

Please note that this change order is contingent upon actual receipt of the finalized, executed agreement from New York State Department of Transportation. Therefore, it is the recommendation of the undersigned that Change Order #2 be approved in the amount of $494,854.00.

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: FENCE REPLACEMENTS AT HYDE PARK BALLFIELDS, FOX FENCE, CHANGE ORDER #2

Agenda Item #4

RE: Approval for contract to Fox Fence, Inc. in the amount of $4248.00.

A contract for the above referenced project was awarded to Fox Fence, Inc., 2637 Lockport Road, Niagara Falls, New York 14305, on June 15, 2009, in the amount of $65,425.00.

Subsequent to the start of the project, the City requested a quotation for additional fencing to be added to the scope of the above-referenced contract. The quotation for this extra work – 373' of additional 4' high chain link fencing – totaled $6,519.00, bringing the new contract total to $71,944.00. It is the recommendation of the undersigned that Change Order #1 be approved in the amount of $71,944.00, Funding for the additional tasks is available under 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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: HYDE PARK TENNIS COURTS RESURFACING AND REPAIRS, AMERICAN PAVING & EXCAVATING

Agenda Item #5

RE: Approval of Change Order #1 contract to American Paving & Excavating, Inc.

A contract for the above referenced project was awarded to American Paving & Excavating, Inc., 5880 Thompson Road, Clarence Center, New York 14032, on May 12, 2009, in the amount of $90,935.00.

Prior to project completion, the City opted to improve the playing surfaces' finished texture and drainage with the application of a supplemental sealing and leveling coat. This additional coating minimized the potential for standing water locations and their severity. The costs associated with the extra coating are $8107.50. However, cost under runs in other remedial tasks performed for this project will allow the net change to the contract to be $0.00.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: FUNDING AGREEMENTS WITH CENTER CITY NDC. NIAGARA FALLS NHS AND HIGHLAND COMMUNITY REVITALIZATION COMMITTEE, AMENDMENT

Agenda Item #6

RE: Amendment to 2009 Funding Agreements with Center City NDC, Niagara Falls NHS and Highland Community Revitalization Committee

The City of Niagara Falls enters into annual funding agreements with various sub-grantees with the intent of outlining the terms and conditions governing the use of Community Development Block Grant funding. The annual funding agreements generally commence on January 1st and expire on December 31st of each fiscal year. The Department of Community Development has previously requested and received Council approval to modify many of the agreements to commence on July 1st and expire on June 30th, to more closely match the anticipated receipt of federal funding.

We are now recommending that this same transition in the funding cycle be approved for the above named sub-grantees. We are requesting that City Council approve an amendment to the 2009 funding agreements to extend the period covered by said agreements to June 30, 2010. This would provide Center City, NHS and Highland CRC the ability to use unexpended funding previously allocated by the City to pay ongoing administrative and project costs through June 30, 2010.

The 2010 annual funding agreement and subsequent agreements with these sub-grantees will thereafter begin on July 1st and expire on June 30th. If approved, this modification does not provide any additional funding to the sub-grantees. Rather, it extends the current 2009 agreement, revises the funding cycle for all future agreements and allows the sub-grantees to pay ongoing expenses with previously appropriated funding.

Will the Council vote to so approve the amendment to the 2009 funding agreements and authorize the Mayor to execute the agreements?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: PRESERVATION STUDIOS, HISTORIC RESTORATION WORKSHOPS

RE: Preservation Studios Conduct Four Historic Restoration Workshops for $7,000.00 (Certified Local Government Grant)

Agenda Item #7

The City received a $7,000.00 State Certified Local Government grant to pay for a portion of the costs of conducting workshops to demonstrate historic restoration methods. Pursuant to the grant requirements, proposals were solicited from Preservation Studios, LLC, KTA Preservation Specialists (Kerry L. Traynor) and Clinton Brown Company Architecture, PC, to conduct the workshops. Each proposal was for a total price of $7,000.00. KTA and Preservation Studios specified $4,000.00 to be paid to the preservation company conducting the workshops, $2,000.00 to be paid, through the consultant, to contractors who participate in the workshops (carpenters, masons, etc,) and $1,000.00 for materials. Clinton Brown Architecture quoted a flat fee of $7,000.00.

The City will provide in-kind services in connection with the workshops, as required by the grant. The CLG grant will be used to pay the $7,000.00 costs.

Preservation Studios is a local company owned by Thomas Yots. Mr. Yots will present four workshops: one on historic preservation tax credits, one on windows, one on masonry, and one on porches and siding. Preservation Studios proposes to use some local contractors to provide the demonstrations at the workshops. The City has worked successfully with Preservation Studios in the past. The City Historic Preservation Commission reviewed the proposals and recommends that the City hire Preservation Studios to conduct the workshops.

Will the Council vote to approve hiring Preservation Studios to conduct the historic restoration methods workshops at a cost not to exceed $7,000.00 as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	4
Nays	0
	APPROVED

Council Member Grandinetti abstained

PURCHASE: CARPETING IN THE EEOC OFFICES

Agenda Item #8

RE: Approval to replace carpeting in the EEOC Office not to exceed $1,935.00.

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

CONTRACT: WELCOME VIDEO, CGI COMMUNICATIONS, INC.

Agenda Item #9

RE: Approval of offer from CGI Communications, Inc. for website welcome video at no cost.

The City is in receipt of an offer from CGI Communications, Inc. that promotes a community video tour book. There is no cost to the City and this relationship is terminable on 60 days written notice. The purpose is to include a website welcome video from City officials to promote the quality of life in the City of Niagara Falls. The website video is approximately one minute in duration.

Will the Council authorize the Mayor to execute this agreement?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: APPRAISAL REPORT FOR 399 RAINBOW BOULEVARD SOUTH, ADDITIONAL FUNDING

Agenda Item #10

RE: Approval of relocation of the Niagara County Community College Culinary Institute to the Rainbow Mall at an additional cost of $4,250.00

In an effort to move forward with the relocation of the Niagara County Community College Culinary Institute to the Rainbow Mall, it was necessary to obtain an appraisal of the building/Cordish lease. It was originally estimated that the cost of that appraisal would be no more than $10,000 and the City Council authorized payment of one-half of that expense, i.e., $5,000. The appraisal amount came in at $18,500 and it is requested that the City pay an additional $4,250 for a total payment for this appraisal of $9,250 that equals one-half of the total appraisal amount. Funding for this additional $4,250 is available through Economic Development Casino Funds.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: INTERNATIONAL RAIL STATION & INTERMODAL TRANSPORTATION CENTER, WENDEL DUCHSCHERER, AMENDMENT

Agenda Item #11

RE: Amendment to Consultant Agreement with Wendel Duchscherer Architects & Engineers for the Niagara Falls International Rail Station and Intermodal Transportation Center

The City previously entered into an agreement with Wendel Duchscherer to provide engineering services for the above referenced project. An amendment is necessary to bring the project to completion of the final design.

This will increase the contract by $3.5 Million and the funding for this has previously been agreed to in agreements with the New York State Department of Transportation.

Will the Council so approve and authorize the Mayor to execute Amendment No. 1 in a form acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

CODE ENFORCEMENT DEPARTMENT TEMPORARY HELP

Agenda Item #12

RE: Temporary help for Department of Code Enforcement

It is requested that the Council approve a temporary position of Electrical Inspector (Grade 22) and also create the temporary position of Chief Plumbing Inspector (Grade 23B).

Funding for these positions will be available from the Department’s temporary line.

Will the Council so approve?

Council Member Fournier moved to remove the Item from the table.

Yeas 5
Nays 0
MOTION TO REMOVE FROM TABLE APPROVED

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

Yeas 5
Nays 0
APPROVED

CODE ENFORCEMENT DEPARTMENT, TRANSFER OF FUNDS

Agenda Item #13

RE: Approval to transfer funds to the Department of Code Enforcement

In order to continue the level of service required in the Department of Code Enforcement, it is necessary to transfer $35,000.00 (inclusive of benefits if needed) from Account No. A.1990.7650.0449.000 to the undesignated service account line and/or the temporary services account line in the Department of Code Enforcement budget to be used in the discretion of the Director of the Department of Code Enforcement.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, ADDITIONAL FUNDING

Agenda Item #14

RE: Approval of additional funding of $40,000.00

At the City Council meeting of January 25, 2010, the City Council approved a contribution of $2,500 to the Niagara Military Affairs Council (NIMAC). At that meeting, Merrell A. Lane, Chairman, appeared and made a presentation on behalf of NIMAC and the many projects it is involved in. Attached hereto is a copy of a summary of Mr. Lane's presentation. Mr. Lane is asking for an additional contribution of $40,000. Funding is available from 2009 Economic Development Casino Funds.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

PURCHASE: DISPLAY CABINET

Agenda Item #15

RE: Approval of funding in the amount of $8,640.00 for construction and installation of a display cabinet in City Hall

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

CLAIM: NAAB, JOSEPH M.

Agenda Item #16

RE: Approval to settle and pay claim of Joseph M. Naab in the amount of $972.39

Date Claim Filed:	May 14, 2009
Date Action Commenced:	N/A
Date of Occurrence:	May 6, 2009
Location:	100th Street near Blackcreek Drive
Nature of Claim:	Vehicle damage.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$972.39
Make Check Payable to:	Joseph M. Naab
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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CITY PROPERTY: 24 BUFFALO AVENUE, ENCROACHMENT

Agenda Item #17

RE: Approval of new owner of 24 Buffalo Avenue for renovations & improvements to property

The new owner of 24 Buffalo Avenue seeks to renovate the building into a banquet and bar facility and wishes to make improvements in the basement area that will result in a banquet hall, dining room and kitchen. The New York State Building Code requires that the building become ADA compliant. In order to do so, the owner is requesting the installation of an ADA compliant ramp along the front of the building on Buffalo Avenue, which will encroach 1.8 feet into the City right-of-way. Attached hereto is a letter of explanation and architect's drawing which illustrates the intended encroachment. The owner will be required to indemnify and hold the City harmless and provide proof of insurance in form and amount to be approved by the Corporation Counsel.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

CITY PROPERTY: 2818 HIGHLAND AVENUE,SALE TO HOUSING AUTHORITY

Agenda Item #18

RE: Disposition of 2818 Highland Avenue
RECOMMENDATION TO CITY COUNCIL
Disposal of Property

Pursuant to action taken by the Niagara Falls Planning Board on the 27th day of January 2009 the request for a recommendation to the disposition of the property listed below is hereby granted.

NAME OF OWNER: City of Niagara Falls
ADDRESS OF ACTION: 2818 Highland Avenue
PURPOSE: Sell vacant property to Niagara Falls Housing Authority

THIS ITEM WAS RECEIVED AND FILED

CITY PROPERTY: 2818 HIGHLAND AVENUE, SALE TO HOUSING AUTHORITY

Agenda Item #19

RE: Approval of sale of 2818 Highland Avenue in the amount of $300.00 The City has received a request from the Niagara Falls Housing Authority to purchase the above-referenced vacant lot for the assessed value of $300.00.

This request has been reviewed by appropriate City staff and the Planning Board all of whom recommend its approval.

Will the Council so approve and authorize the Mayor to execute a Quit Claim Deed in a form acceptable to the Corporation Counsel?

Council Member Walker moved to remove the Item from the table.

Yeas 5

Nays 0

MOTION TO REMOVE FROM TABLE APPROVED

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

Yeas 3

Grandinetti, Walker, Fruscione

Nays 1

Fournier

Council Member Anderson abstained

APPROVED

RESOLUTION: SISTERHOOD ANNUAL "KEEP OUR DREAM ALIVE AWARDS DINNER", 2010-15

Agenda Item #20
Relative to honoring community servants
BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, on Friday, February 26th, 2010, the SISTERHOOD is hosting their first annual "Keep our dream alive" Awards dinner as part of their Annual Rev. Dr. Martin Luther King Jr. Celebration; and

WHEREAS, the SISTERHOOD is a sorority built upon the values of confidence, loyalty, religion, community service, education and friendship, trying to make a difference in our community; and

WHEREAS, they will be honoring the following community servants for their many contributions:

Mother Alice T. Jordan
Mr. Owen Steed Sr.
Senator Antoine Thompson
Ms. Denise Easterling
Mrs. Yolanda Walker-Price
Mrs. Stephanie W. Cowart
Minister Kyron Averhart
Miss Delores Periera

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, joins in this celebration and congratulates the honorees for making the community a better place to live.

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: PERMIT, FEES & CERTIFICATES, ORDINANCE AMENDMENT, 2010-16

Agenda Item #21
RE: Relative to amending Chapter 1107
By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1107 of the Codified Ordinances entitled APermits, Fees and Certificates@ is hereby amended by amending Section 1107.10 entitled "Permit Fees" to read as follows:

1107.10 PERMIT FEES.

No permit shall be issued by the Director of Inspections until fees hereinafter prescribed have been paid to the City Controller and for which receipt has been noted on the application for the permit. No fee shall be required for work undertaken by the City of Niagara Falls, New York, the School District of Niagara Falls, the State of New York, the County of Niagara or the United States government. The fees to be paid for permits shall be as follows:

• • •

5. Miscellaneous

• • • **k. Solar panel systems installation:**

Residential	**$100.00**
Commercial and Industrial	**$500.00**

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

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: MARRIAGE OFFICER, APPOINTMENT, 2010-17
Agenda Item #22
RE: Relative to appointment of Marriage Officer
BY: Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.
Council Member Steve Fournier

WHEREAS, Niagara Falls has an international reputation as The Honeymoon Capitol; and

WHEREAS, couples arrive at the City Clerk's Office from all over the world to obtain a marriage license; and

WHEREAS, it is advantageous for the City and convenient to the couple to have these marriages solemnized within the confines of the City of Niagara Falls; and

WHEREAS, the Council finds it appropriate to add an additional Marriage Officer.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that in accordance with Section 11-c of the New York Domestic Relations Law, the following employee in the City Clerk's Office, Nadine A. Wasson, be appointed as Marriage Officer for the City of Niagara Falls for a term of four years.

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

Yeas	5
Nays	0
	APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:40 p.m.

Carol A. Antonucci
City Clerk

The first session of the February 22,2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:00 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meetings of January 25, 2010 and February 8, 2210.

Yeas	5
Nays	0
	APPROVED

Supervisor Michael Fay of the Niagara Falls Border Patrol spoke on the organization's Community Outreach Program as part of their attempt to make their presence known in the Area. Chairman Fruscione asked that the Border Patrol Office remain in the City as they relocate to a new Office, and suggested that Economic Development Director Peter Kay stay in touch to help with the relocation.

In the Administrative Update:

1. City Administrator Donna Owens encouraged all residents to participate in the 2010 Census process.
2. City Administrator Owens advised the Council Members that the Mayor was in Albany for the Conference of Mayors.
3. Economic Development Director Peter Kay reported that the Hotel Niagara Project is at a standstill because repair/remodeling costs have exceeded estimates, and the developer is considering selling the hotel. Fire Chief William MacKay said that he will request that one of his Inspectors go into the hotel to check the condition of the building, and Mr. Kay will check on bankruptcy filing status for the developer.
4. City Engineer Thomas Radomski reported that the Lewiston Road Project will begin once the weather breaks; the 72nd Street Project is in the design phase; and the 10th Street Project has received State approval. Council Member Walker inquired about locating utility lines underground as part of the Project, and Mr. Radomski responded that it would have to be done for the entire neighborhood, not just in the area of the hospital.
5. Mr. Radomski also reported that the Abate Basketball Court Project would have to be done in phases, and the Council Members requested that the focus of the Project be to have the courts completed before the school summer break.
6. City Administrator Owens said that Environmental Assistant Alan Nusbaum had informed her that the flood maps from FEMA were expected to arrive in mid-April.
7. Community Development Director Robert Antonucci spoke on CD funded demolitions, and said funds need to be appropriated for CD staff to administer Casino funded demolitions. He also reported that Scott Lawn & Yard had an ongoing contract for demolitions funded in 2009, and City Controller Maria Brown said that she will work with the Administration on bids for demolitions to be funded in 2010, and the 2010 Capital Plan.

8. Mrs. Brown also reported that there were "cost avoidances" for the City's self-insured health benefits, and the funds were used to help offset a deficit in the projected interest earnings.

Corporation Counsel Craig Johnson distributed copies of a communication relative to salaries for the EEOC Officer and Deputy, and additional funding in the Human Resources Department advertising budget line.

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

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #13.

Council Member Fournier moved to amend Agenda Item #8, relative to participation in the New York Power Authority's Energy Services Program for the Hyde Park Ice Pavilion, by changing the amount of the total projected cost of the Project and the City's annual cost to participate in the Program.

Yeas 5
Nays 0

MOTION TO AMEND APPROVED

Council Member Walker questioned the status of the hiring process for the EEOC Officer and Deputy, and Human Resources Director Joyce Mardon-Serianni responded that the EEOC Officer position was first advertised in October of 2009, and at that time, only 6 of the 38 applicants met the qualifications for the position. There were additional applicants when the job was advertised a second time, and the job description for the Deputy has not yet been finalized. The Council suggested that hiring for both positions should move forward at the same time.

This Session ended at 4:45 PM

Chairman Fruscione reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Roger Spurback	Agenda Items #7 & #12
Ken Hamilton	Agenda Items #2 & #12
Nicholas D'Agostino	Agenda Items #3 & #13
Nicholas D'Agostino	Graffiti eradication
Ron Anderluh	Funding for demolitions in CD budget; Gill Creek Park concerts;Landlord Registration

The following was RECEIVED AND FILED:
Agenda Item #1
City Clerk's Report for January, 2010.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: YWCA OF NIAGARA, INC, CONTINUUM OF CARE 10-YEAR PLAN

Agenda Item #2
RE: Award of $30,000 Grant to YWCA of Niagara Inc. for the Development of a Continuum of Care 10- Year Plan

The Niagara County Continuum of Care is an organization comprised of homeless service providers from the area with a stated mission and intent to end chronic homelessness through strategic community planning. In order to submit a grant application to the U.S. Department of Housing and Urban Development and have a realistic chance of approval, a community must have in place a 10 Year Plan to end chronic homelessness. The Niagara County Continuum of Care has had very limited success in obtaining funding due to the lack of an approved 10- Year Plan; losing valuable opportunities to access substantial amounts of federal funding through the Continuum of Care process.

On November 9, 2009 City Council approved the use of $30,000 in Community Development funding to secure the services of a professional grant consultant to develop the 10-Year Plan. The YWCA of Niagara, Inc, a contributing member of the Continuum of Care, volunteered to take the lead role in obtaining proposals for this work. Although they solicited proposals from many firms, only J. O'Connell & Associates, Inc, .submitted a proposal in the amount of $30,000.

It is our recommendation that City Council award a grant to the YWCA of Niagara, Inc., in the amount of $30,000. The YWCA of Niagara, Inc will then retain the services of J. O'Connell & Associates for the development of the required 10-Year Plan. Community Development Block Grant funding is available in budget code CD1.8676.0000.0450.500

Will the Council vote to so approve the grant award to the YWCA of Niagara, Inc, and authorize the Mayor to execute the agreement?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: LASALLE WATERFRONT PARK COMFORT STATION, DAVID GROSS, CONTRACTOR, CHANGE ORDER

Agenda Item #3

RE: Change Order #1 – Lasalle Waterfront Park Comfort Station Rehabilitation

A contract for the above referenced project was awarded to David Gross Contracting Corp. on March 26, 2009 in the amount of $64,900.00.

Subsequent to the start of work, two additional tasks related to facilitating code compliance were identified and assigned to the contractor. The first entailed the relocation of existing drainage piping in the floor to accommodate A.D.A. regulations specific to public-use facilities. The second extra task involved electrical system upgrades to accommodate National Grid's power supply/metering requirements for energizing both the existing park lighting and the facility itself. The total increase to the contract, when cost underruns/credits obtained elsewhere in the project are included, is $2,618.00, bringing the contract total to $67,518.00.

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: ROYAL AVE. & TENTH ST. FIRE HALLS, ROOF REPLACEMENT

Agenda Item #4

RE: New York State Community Capital Assistance Program Grant for Replacement of Roof on the Royal Avenue and Tenth Street Fire Halls

The City has received a $125,000 grant from the above referenced State program to replace the roof on the Royal Avenue Fire Hall and a portion of the roof on the Tenth Street Fire Hall.

No City match is required.

Will the Council authorize the Mayor and City Administrator to file the necessary certifications with the Dormitory Authority of the State of New York, which is administering the grant, and execute any other documents in a form acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING, USE OF LASALLE FACILITY

Agenda Item #5
RE: Agreements with Niagara County Office for the Aging

Annually the City enters into agreements with the Niagara County Office for the Aging to allow the County to lease space in the LaSalle Facility for the operation of its nutrition site in exchange for annual lease payments totaling $2,431.00, and to reimburse the City in the amount of $9,025 for the City's operation of an information and assistance services program.

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: NY POWER AUTHORITY, HYDE PARK ICE PAVILION REPAIRS & RENOVATIONS

Agenda Item #6
RE: New York Power Authority Energy Services Program at Hyde Park Ice Pavilion

As part of the City's initiative to improve the conditions at the Hyde Park Ice Pavilion, the City is in the process of reviewing proposals to increase the energy efficiency at the Ice Pavilion. The New York Power Authority (NYPA) offers an Energy Services Program which the City has investigated and wishes to participate in, provided the projections provided by NYPA as concerns the cost of the program and the annual energy savings to the City can be confirmed by the City Controller and the form, content and scope of the program can be approved by the Corporation Counsel's Office. Pursuant to the program described by NYPA in an agreement, NYPA will pay the cost of the facility upgrades as described in the agreement for a total project cost after financing of approximately $1,361,602.50. The City's total annual energy savings are projected to be approximately $86,355. NYPA projects the City's annual cost to participate in this program will be approximately $49,805.25 over a period of ten years.

Will the City Council authorize the Mayor to execute any and all documents necessary to participate in the NYPA Energy Services Program, subject to the approval of the City Controller and the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

CODE ENFORCEMENT DEPT.: LANDLORD & PROPERTY OWNER REGISTRATION CLERK, TEMPORARY POSITION

Agenda Item #7
RE: Landlord and Property Owner Registration Clerical Help

In the event the City Council proceeds to adopt the Landlord and Property Owner Registration legislation, it will be necessary to hire an individual to assist the Director of Code Enforcement with clerical and field-type work. Therefore, it is requested that the temporary position of Landlord and Property Owner Registration Clerk be created in the Department of Code Enforcement. It is also requested that the sum of $35,896 be used to fund this temporary position, as well as the incidentals necessary for the position. Funding is available from the 2010 City Council Contingency Fund Account No. A.1990.7630.0449.599. It is further requested that this $35,896 be disbursed as follows:

$18,300 to the Department of Code Enforcement Temporary Line inclusive of FICA
$4,306 – Department of Assessor Overtime Line inclusive of FICA
$13,050 – Department of Code Enforcement Supplies Line
$240 – Department of Code Enforcement Telephone Line

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: NY POWER AUTHORITY ENERGY SERVICES PROGRAM, HYDE PARK ICE PAVILION

Agenda Item #8

RE: New York Power Authority Energy Services Program at Hyde Park Ice Pavilion

As part of the City's initiative to improve the conditions at the Hyde Park Ice Pavilion, the City is in the process of reviewing proposals to increase the energy efficiency at the Ice Pavilion. The New York Power Authority (NYPA) offers an Energy Services Program which the City has investigated and wishes to participate in, provided the projections provided by NYPA as concerns the cost of the program and the annual energy savings to the City can be confirmed by the City Controller and the form, content and scope of the program can be approved by the Corporation Counsel's Office. Pursuant to the program described by NYPA in an agreement, NYPA will pay the cost of the facility upgrades as described in the agreement for a total project cost after financing of approximately $1,464,394.74. The City's total annual energy savings are projected to be approximately $86,355.00. NYPA projects the City's annual cost to participate in this program, after factoring in the projected energy savings of $86,355.00, will be approximately $60,084.47 over a period of ten years.

Will the City Council authorize the Mayor to execute any and all documents necessary to participate in the NYPA Energy Services Program, subject to the approval of the City Controller and the Corporation Counsel?

Council Members Anderson & Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: UNITRIN SERVICES GROUP

Agenda Item #9

RE: Request for Approval to Settle and Pay Claim of Unitrin Services Group, PO Box 66069, Dallas, TX 75266

Council Members:

Date Claim Filed: November 2, 2006	
Date Action Commenced:	N/A
Date of Occurrence:	August 7, 2006
Location:	Hyde Park Boulevard, Niagara Falls, NY
Nature of Claim:	No Fault benefits paid to Arielle Bones and Arthur Wagner as a result of an accident with City vehicle.
City Driver:	David Kelly
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$15,446.18
Make Check Payable to:	Unitrin Services Group
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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

RESOLUTION: PERMITS, FEES AND CERTIFICATES, 2010-16, MAYOR'S APPROVAL

Agenda Item #10

Please be advised that Mayor Paul A. Dyster on February 9, 2010 duly approved Resolution 2010-16 relative to Amending Chapter 1107 of the Codified Ordinances entitled "Permits, Fees and Certificates" approved by Council on February 8, 2010.

THIS ITEM WAS RECEIVED AND FILED

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #11

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2010 to March 31, 2012.

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

Crawley, Donna J.	City Court
Prokop, Moira	City Court
Valery, Nancy L.	City Court
Lapp, Leonard G., Jr.	City Clerk's Office
DeMarco, John	NFPD
Kachurek, Michael	NFPD
Kinney, Dave	NFPD
Ligammari, Nicholas	NFPD
Smith, William	NFPD
Wills, Stanley R.	NFPD
Kaczor, Lisa	627 Pasadena Ave., Niagara Falls, NY 14304
Kensinger, Larry	1308 Cleveland Ave., Niagara Falls, NY 14305
Marcyan, John L.	NYS Parks Police, PO Box 1132, Niagara Falls, NY
Moriarty, Patrick B.	NYS Parks Police, PO Box 1132, Niagara Falls, NY
Smith, Laura A.	542 Portage Rd., Niagara Falls, NY 14301
Suess, Marlene J.	5130 Dana Drive, Lewiston, NY 14092

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

Yeas 5

Nays 0

APPROVED

RESOLUTION: LANDLORD RENTAL AND PROPERTY OWNER REGISTRATION, ORDINANCE AMENDMENT 2010-18

Agenda Item #12

Relative To Rescinding Chapter 1137 Entitled "Licensing Of Rental Housing Business" And Adopting Chapter 1137 Entitled "Landlord Rental And Property Owner Registration"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1137 of the Codified Ordinances entitled ALicensing of Rental Housing Business@ is hereby rescinded and Chapter 1137 entitled "Landlord Rental and Property Owner Registration" is hereby adopted to read as follows:

CHAPTER 1137

LANDLORD RENTAL AND PROPERTY OWNER REGISTRATION

1137.01 PURPOSE

The purpose of this Chapter is to establish a procedure and standards for the identification and registration of rental properties and unoccupied properties, to ensure that the City has a meaningful, efficient and effective means of communicating with those persons and companies who own rental properties and unoccupied properties. This Chapter is adopted to promote the health and safety of tenants and to alleviate conditions of substandard housing, including slums and blight.

1137.02 ENFORCEMENT

This Chapter shall be enforced by the Director of Code

Enforcement, or his designee.

1137.03 DEFINITIONS

As used in this Chapter, these terms shall have the meanings indicated as follows:

ACTION or PROCEEDING – Any action or proceeding which may be instituted in the City Court of the City of Niagara Falls or the County Court of the County of Niagara or the Supreme Court of the County of Niagara or any court of competent jurisdiction with an alleged violation of any ordinance or law of the City of Niagara Falls.

BUILDING – Any improved real property, residential or mixed use (commercial-residential), located within the City of Niagara Falls, that is nonowner occupied or is improved and unoccupied.

CHANGE IN OCCUPANCY – Whenever a tenant shall move from, vacate or quit willingly or otherwise or express the firm intent to vacate or quit a rental unit.

DIRECTOR – The Director of Code Enforcement of the City of Niagara Falls, New York.

IDENTIFICATION OF BUILDING – It is required that the house number be placed on the building in a conspicuous place.

LANDLORD AND PROPERTY OWNER REGISTRATION STATEMENT – A form created by the Director and distributed to the owner of rental property and unoccupied property in accordance with standards and requirements set forth in this Chapter.

OWNER – Any individual or individuals, partnership or corporation or any similar type business organization, whether for profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the property.

PROCESS – A summons, complaint or any notice, mandate or any other paper process issued under any provision of the Codified Ordinances of the City of Niagara Falls or any law or regulation of the State of New York.

RENTAL PROPERTY – Includes all properties which are either rented, leased, let or hired out to be occupied for residential or mixed used (commercial-residential), and are nonowner occupied. For any rental property to be considered owner occupied, the owner must prove that at least one (1) owner, partner, or shareholder of a corporation actually has his or her principal residence at the rental property and reside therein on a full-time basis, it being the actual domicile of that owner, partner, or shareholder. At the request of the City of Niagara Falls, any owner who claims to occupy the rental property shall provide a sworn affidavit providing the necessary information to support his or her claim that the premises are owner occupied.

RENTAL UNIT – A residential unit occupied by a party other than an owner.

RESIDENTIAL UNIT – One or more rooms with provision for sanitary and sleeping facilities, for food preparation, for living and for working.

TENANT – A party whose right to possession of a rental unit is subject to the express or implied consent of the owner.

UNOCCUPIED PROPERTY – Any improved real property that is not occupied by the owner or a tenant.

1137.04 PROPERTY REGISTRATION

A. REGISTRATION OF OWNER.

1. The owner of a building constituting a rental property or unoccupied property shall register the same with the Director within 60 days of the effective date of this Chapter on a form approved by the Director. This form shall be known as a "Landlord and Property Owner Registration Statement" which shall be signed by the owner. A Landlord and Property Owner Registration Statement shall be completed and filed for each building constituting a rental property or unoccupied property.

2. It shall be unlawful for any owner to offer any unit for rent, or to rent any unit, or to allow any rental unit to be occupied without having first registered pursuant to this Chapter as required herein within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register rental property. It is the owner's responsibility to fulfill the requirements of this Chapter.

3. In the event the building which is the subject of the Landlord and Property Owner Registration Statement is not used for a use consistent with the legal use reflected in the office of the Director, the owner shall take immediate action to conform the Building to the legal use reflected in the office of the Director.

B. LANDLORD AND PROPERTY OWNER REGISTRATION STATEMENT

1. Every owner of a rental property as above defined or an unoccupied property shall file with the Director within 60 days after the effective date of this Chapter, a Landlord and Property Owner Registration Statement on a form to be supplied by the Director, containing the following:

a. A description of the premises by street number, a legal description of the premises, and section, block and lot number, including tax identification number.

b. The owner's name, date of birth, residential address, and mailing address, together with his/her business telephone number, home telephone number, fax number, and e-mail address or, if such owner is a corporation, the name and address of such corporation, its employer identification number and the name, date of birth, residence, business address, together with the residence and business telephone numbers, fax numbers and e-mail addresses of at least two officers of the corporation responsible for management of the rental property or, if the owner is a limited liability company, the name, business address, business telephone number, fax number and e-mail address of the limited liability company, and the name, date of birth, residence, business address, residence and business telephone numbers, fax number and e-mail address of the manager of the limited liability company, or if the owner is a partnership, the name, date of birth, address, residence and business telephone numbers, fax number and e-mail address of the individual partners.

c. Designation of managing agent. In the event the owner does not reside in Niagara County, New York, the owner must designate a managing agent. If a managing agent is required, then the owner shall provide the following information to the Director: the name, date of birth, residence and business address and telephone numbers, fax number and e-mail address of a natural person, 18 years of age or over, who actually resides within the County of Niagara, New York, and who shall be designated by such owner as a managing agent responsible for and in control of the maintenance and operation of such rental property, and who shall be designated as the person upon whom process may be served on behalf of the owner. The managing agent and/or owner shall keep a current record of all the tenants, and their names and addresses, who are renting, leasing or

living in the premises. There shall be endorsed upon such statement a written consent to such designation signed by such managing agent and such managing agent shall also consent to be subject to the jurisdiction of any applicable court of law.

d. The owner shall be obligated, at all times, to keep this information updated, and when there is a change in the managing agent, or any other material change, the owner shall be obligated to update the information by amending the Landlord Registration Statement within 15 days from the date of any such change.

e. Nothing contained in this section shall be construed as preventing a corporation, limited liability company or partnership which is an owner of real property from designating as its managing agent with respect thereto any officer of such corporation, manager or partner who meets the requirements of this subsection as to location of the residence or the place of transacting business of the managing agent.

f. Any designation as managing agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated as hereinafter provided.

2. Upon completion and execution and submission of the Landlord and Property Owner Registration Statement as aforesaid, said registration statement shall be reviewed by the Director or his designee for adequacy. Should the Director determine that said registration statement is incomplete, defective or untruthful for any reason, said registration statement shall be marked "rejected" and returned to the owner. A rejected registration statement shall not be deemed compliance with the requirements of this Chapter.

3. An approved Landlord and Property Owner Registration Statement shall be required and shall be a condition precedent before the owner may rent any unit contained in the rental property.

4. Where, after filing of any Landlord and Property Owner Registration Statement in relation to any rental property under the applicable provisions of this Chapter, the owner of such property shall have granted or transferred his/her right, title or interest therein or in any part thereof, the new owner shall file with the Director at the time of transfer a Landlord and Property Owner Registration Statement pursuant to the requirements of this Chapter.

5. Any designation of the managing agent made pursuant to the applicable provisions of this section shall cease to be effective if such agent shall die or be judicially declared incompetent.

6. An owner may terminate such designation by filing with the Director a written statement designating a new managing agent made in conformity with the provisions herein above cited.

7. Any Landlord and Property Owner Registration Statement or designation of a managing agent required to be filed with the Director by any owner of a rental property under the provisions of this section shall be signed by such owner, or if such owner is a corporation, by an authorized officer thereof, or if such owner is a partnership, by a partner thereof, or if such owner is a limited liability company, by the manager.

8. Any such Landlord and Property Owner Registration Statement or designation of a managing agent shall be deemed prima facie proof of the statement therein contained, in any criminal or civil prosecution instituted by the City of Niagara Falls or by any proper prosecutorial agency against the owner or managing agent of a rental property.

9. It shall be unlawful for any owner to permit the occupancy of any rental unit subject to this Chapter, unless such owner has a current, valid Landlord and Property Owner Registration Statement on file with the Director. It shall also be unlawful for any owner to own unoccupied property subject to this Chapter, unless such owner has a current, valid Landlord and Property Owner Registration Statement on file with the Director.

10. This Chapter shall apply to all buildings in the City of Niagara Falls which contain a rental unit or rental units or which are unoccupied property.

11. The Landlord and Property Owner Registration Certificate shall be valid for a period of two (2) years or until such time that there is a change in ownership, unless the Director revokes such permit pursuant to 1137.04(B)(14).

12. RENEWAL.

No less than thirty (30) days and no more than sixty (60) days prior to the expiration of a Landlord and Property Owner Registration Statement, the holder of such registration statement shall file with the Director a new and separate Landlord and Property Owner Registration Statement to obtain a new Landlord and Property Owner Registration Statement. Failure to obtain a renewal Landlord and Property Owner Registration Statement for an occupied rental unit or for unoccupied property shall be treated as a violation of 1137.04(B) of this Chapter.

13. REVOCATION.

A. The Director may revoke a Landlord and Property Owner Registration Statement after written notice to the owner that the requirements of this Chapter or any conditions of said Landlord and Property Owner Registration Statement have been violated.

B. Whenever the Director revokes the Landlord and Property Owner Registration Statement, he shall serve the owner with a written notice of revocation which shall include a statement of the grounds for revocation and a statement of particulars specifying in what respect the rental unit or building in which it is located is in violation. Written notice may be served by personal delivery or certified mail, return receipt requested, to the owner addressed to the last known address on file with the Director. Notice will be deemed given when delivered to the owner or by depositing same in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States post office department within the State of New York.

C. In the event that any building subject to this Chapter is condemned for occupancy, any Landlord and Property Owner Registration Statement shall be deemed revoked.

D. The owner shall have 15 days from the day when notice is given within which to remedy any violations specified in the notice of revocation. In the event such violations are not remedied to the satisfaction of the Director within the 15 day period, the Landlord and Property Owner Registration Statement shall be deemed revoked.

14. Building permits of any nature shall not be issued for work regarding buildings subject to this Chapter unless and until a valid Landlord and Property Owner Registration Statement is on file with the Director.

15. FEES.

The fee to register all buildings subject to this Chapter and all unoccupied property subject to this Chapter, shall be as follows:

Buildings and unoccupied property containing one (1) or two (2) rental units	$25.00
Buildings and unoccupied property containing three (3) or more rental units	$40.00

Notwithstanding the foregoing, required fees shall be waived for owners of buildings and unoccupied property subject to this Chapter who register with the Director within 60 days of the effective date of this Chapter.

16. EFFECTIVE DATE.

This Chapter shall be effective May 1, 2010.

1137.05 PENALTIES FOR OFFENSES.

A failure to register any unoccupied property or rental property required to be registered under this Chapter shall be a violation, and any person or entity convicted of such violation shall be punished as follows:

1. Upon the first conviction, a fine of not less than $250, but not exceeding $500; and

2. Upon a second such conviction within a twelve-month period, a fine of not less than $500, but not exceeding $2,500.

1137.06 SEVERABILITY.

If any article, section, subsection, paragraph, sentence, clause or provision of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

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

Yeas	5
Nays	0
	ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE OFFICER

Agenda Item #13

RE: Equal Employment Opportunity Compliance Officer & Workplace Diversity Coordinator and Deputy Equal Employment Opportunity Compliance Officer positions

In the 2010 adopted budget, the salary designated for the position of Equal Employment Opportunity Compliance Officer & Workplace Diversity Coordinator was $50,000 plus benefits. The City's Department of Human Resources has advertised for this position on two separate occasions. There have been only a few responses from candidates who met the minimum qualifications. After consulting with the State Attorney General's Office, in an effort to increase interest in this position, it is requested that the budgeted salary of $50,000 be increased to $60,000 plus benefits.

At the City Council meeting held on December 28, 2009, it was agreed to create one position of Deputy Equal Employment Opportunity Compliance Officer at a designated salary of $40,000 per year (cost with benefit package-$62,773).

It is recommended that the designated annual salary for this position be reduced from $40,000 to $35,000 per year (cost with benefit package-$57,391).

In addition to increasing the salary of the Equal Employment Opportunity Compliance Officer & Workplace Diversity Coordinator salary from $50,000 to $60,000, it is also desirable to expand the geographic search for the position to include areas such as Buffalo, Rochester and Syracuse. This will require an increase in advertising dollars. Therefore, it is requested that an additional $3,000 be allocated to the Human Resources Department advertising budget line A.1430.0000.0467.000 for the purpose of expanding the recruitment effort.

The additional net increase of $5,383 in salary described herein, plus the additional $3,000 for advertising, results in a total increase of $8,383. Funding is available in the 2010 City Council Contingency Account No. A.1990.7630.0449.599.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:35 p.m.

Carol A. Antonucci
City Clerk

The first session of the March 8, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, 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 Walker moved to approve the Minutes from the City Council Meeting of February 22, 2010.

Yeas	5
Nays	0
	APPROVED

Superintendent of Police John Chella spoke on the heroic actions of Angela Richmond, a Police Dispatcher who, while off duty, aided a resident who was having a health crisis. Mayor Paul Dyster presented her with a Proclamation, and Chairman Fruscione presented her with a Council Resolution.

John Percy, President of the Niagara Tourism and Convention Center, spoke on the organization's 5 Year Strategic Plan and 2 Year Marketing Plan. He informed the Council Members that the Information Center is scheduled to open on June 15.

Mayor Dyster asked the Council Members to join with him as he signed the Landlord Registration Ordinance. The Mayor noted that he had received many positive comments from landlords throughout the City on the legislation which was adopted by the Council on February 22.

In the Administrative Update:

1. Economic Development Director Peter Kay reported that the Hotel Niagara Project owes $119,000 in back taxes and Fire Chief William MacKay reported that the inspection by the Fire Prevention staff revealed that the water pipes were frozen and broken, the water had been turned off, and there was no electricity in the building, and, therefore, there was no protection in case of a fire. The Department of Code Enforcement will follow up and take action on the issues raised during the inspection.
2. Mr. Kay also reported that he had contacted the Border Patrol Agency to assist in relocating their Offices within the City. Council Member Grandinetti asked Mr. Kay to provide information on the status of the Crowne Plaza Hotel.
3. Mayor Dyster thanked those who had accompanied him on the recent trip to Albany to speak to our area Legislators.
4. Human Resources Director Joyce Mardon-Serianni reported that the recruitment area for the EEOC position had been expanded, applications would be accepted until March 10, and 63 applications had been received so far.
5. City Engineer Thomas Radomski gave an update on street repairs: design work for the Buffalo Avenue Project is being completed, and constructed is expected to be 18 – 24 months away for the commercial section of the street, and not the residential section. Public Works Director David Kinney added that his crews will continue to use their equipment on repairs to the residential section of Buffalo Avenue.

6. The Mayor reported that the in-house paving program is nearing completion, and a lengthy discussion on paving followed.

Council Member Anderson asked if all the residents in the Jayne Park Area have been surveyed about their concerns for renovations in the Park (Agenda Item #4), and the Mayor responded that the Administration is working on people to do an outreach in the Area.

Chairman Fruscione questioned the additional funding requested for the New Road Corporation Yard Fuel Dispensing Facility Construction Inspection and Administration (Agenda Item #5), and City Controller Maria Brown explained that the Project had Bond Funds in place to pay for it, and issues regarding the Project were discussed.

Chairman Fruscione asked Mr. Kinney about having two shifts of his workers operating the zipper and sealer paving equipment, and Mr. Kinney responded that the asphalt plant is not open long enough during the day for the workers to obtain the material that would be needed for the two shifts. The Council Members would like the equipment used as much as possible to get the City streets repaired.

Corporation Counsel Craig Johnson distributed copies of an amended Agenda Item 16, relative to funding the Niagara Falls Blues Festival.

Council Member Fournier moved to remove the Item from the table.

Yeas	5
Nays	0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

Council Member Fournier moved to amend the Item by changing the amount of the City's contribution and add other stipulations to the Agreement.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

This session ended at 5:17 P.M.

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The Chairman 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:

Tony Scricco	Landlord Registration Ordinance
Ken Hamilton	Landlord Registration Ordinance & Stricter Enforcement of Recycling
Jason Chilcote	Landlord Registration Ordinance & Street Conditions
Ron Anderluh	Landlord Registration Ordinance
Jeff Williams	Landlord Registration Ordinance

The following was RECEIVED AND FILED:
Agenda Item #1
Claims Report for the month of February, 2010

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CITY HALL LATERAL REPAIRS, J. R. SWANSON

Agenda Item #2

Prior to the completion of the above-referenced project, competitively bid and awarded to J.R. Swanson, a pre-existing sewer main failure was discovered that necessitated immediate repair. With the time-sensitive A.R.R.A. funded resurfacing of Main Street slated to commence the next day, it was determined by the Engineering Department, and confirmed by the Administration, to have the same licensed and insured contractor initiate repairs to the sewer that afternoon. The cost associated with the extra excavation, shoring, pipe removal and replacement, backfilling and requisite traffic control at premium time is $28,465.41, which is within 10% of typical repairs of this type performed elsewhere via standard practices.

It is the request of the undersigned that the City Council allow payment of the amount above in compliance with any/all Corporation Counsel requirements. Funding is available from the 2008 Casino funds.

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

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

Yeas	5
Nays	0
	APPROVED

HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP), POSSIBLE CONFLICT OF INTEREST REVISED DISCLOSURE

Agenda Item #3

Attached (on file in City Clerk’s Office) is the February 22, 2010 memorandum from Richard Zucco to me concerning a potential conflict of interest issue in the Homeless Prevention and Rapid Re-Housing Program. You may recall, disclosure of this potential conflict was made to Council in December of last year. We applied to HUD for an exception to the conflict of interest provisions. HUD has advised that the disclosure should include more information. This disclosure includes additional information concerning the conflict of interest. Given the name and nature of the program (“rapid re-housing”), we will re-apply to HUD for an exception to the conflict of interest provisions. The exception will only apply should the problem arise.

This matter is brought to the Council’s attention for your information, for the purpose of making public disclosure of the potential conflict of interest and for the purpose of advising of the intention to seek this exception.

Please accept this as a review and file matter.

THIS ITEM WAS RECEIVED AND FILED

CONTRACT: JAYNE PARK RESTORATION, CONSULTANT SERVICES, PETER J. SMITH & CO.

Agenda Item #4

At its Jan. 14, 2008 meeting the City Council approved accepting a matching grant from the New York State Environmental Protection Fund in the amount of $145,000 for the restoration of Jayne Park. The total cost of the project is $290,000. Please be advised that Peter J. Smith & Company, Inc. has been selected as the City’s Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Peter J. Smith & Company at its Proposal Price of $29,780. Funding is available through Funding Code: H0612.2006.0612.0453.000.

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

Yeas	0
Nays	5

DEFEATED

CONTRACT: NEW ROAD CORPORATION YARD FUEL DISPENSING FACILITY CONSTRUCTION INSPECTION & ADMINISTRATION, ADDITIONAL SERVICES, FOIT-ALBERT ASSOCIATES

Agenda Item #5

A contract for consultant services for the above referenced project was awarded to Foit-Albert Associates on November 12, 2008 in the amount of $34,250.00.

As the City and its consultant prepare to solicit bids for the construction of the above-referenced project, it is the Engineering Department's responsibility at this time to secure the requisite construction inspection/contract administration services from our consultant, Foit-Albert Associates. The fee for the additional professional services is $44,800.00, bringing the total contract amount with the consultant to $79,050.00

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

Yeas 5

Nays 0

APPROVED

CITY PROPERTY: 2105 FERRY AVE. & 3825 DEVEAUX ST. EXCLUSIVE LISTING, HOOPER REAL ESTATE

Agenda Item #6

The Department of Community Development recently foreclosed the mortgages on the above referenced properties that were rehabilitated with federal funds as part of our Urban Homestead Program. Title to the properties has reverted to the City of Niagara Falls. We have been attempting to sell the properties by distributing brochures to local agencies, placing for sale signs on the premises and advertising in the local print media. We have had several inquiries, none of which has resulted in a bona-fide purchase offer.

In an attempt to expedite the sales process we are recommending that both properties be offered for exclusive sales listing to Hooper Real Estate, 742 Main Street, Niagara Falls, New York. Hooper Real Estate has agreed to list the properties at a reduced sales commission of 5.5%. Proceeds from the sale will pay the sales commission at closing. The remaining sales proceeds will be treated as HOME program income and will be used to rehabilitate a home(s) for income eligible homeowners.

Will the Council vote to so approve the listing of the City-owned properties with Hooper Real Estate for six months, with a 5.5% sales commission, and authorize the Mayor to execute the required contract?

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

Yeas 4

Fournier, Grandinetti, Walker, Fruscione

Nays 0

Abstained

Anderson

APPROVED

PURCHASE: SUV, POLICE DEPARTMENT

Agenda Item #7

At its meeting of March 10, 2008, the Council approved the 2008 capital plan, including $796,500.00 for various Police vehicles and equipment. All vehicles and equipment originally authorized have been purchased for the Police Department.

The actual cost for these items was less than the amount approved by the Council. The Police Department is now in need of an SUV. Therefore, we request the Council approve $28,512.00 of the unused amount in the capital budget to fund the purchase of the SUV.

Elsewhere on this agenda is a request to award a bid for the above mentioned SUV.

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

Yeas 5
Nays 0
APPROVED

PURCHASE: HYBRID 4X4 COMPACT SPORT UTILITY VEHICLE, DELACY FORD, INC.

Agenda Item #8

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

TO: DeLacy Ford, Inc.
3061 Transit Road
Elma, NY 14059

FOR: New and unused gasoline/electric hybrid 4x4 compact sport utility vehicle:
$28,512.00

The City Purchasing Agent 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 ten (10) vendors. Five bids were received. The above referenced company submitted the lowest bid. Bids were also received from Vision Ford-Rochester, NY ($28,972.00.00), Van Bortel Ford-Rochester, NY ($29,140.00), West Herr Ford-Hamburg, NY ($29,607.00) and Howell Motors-Lockport, NY ($30,038.00).

Funds for this expenditure are available in the Capital Budget code H0816.2008.0816.0230.000 subject to Council approval.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: TOWING OF ABANDONED VEHICLES, PAGE'S AUTOMOTIVE

Agenda Item #9

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

TO: Page's Automotive & Towing, Inc.
2961 Lockport Road
Niagara Falls, NY 14305

FOR: Towing of abandoned vehicles within the City: $135.50/vehicle

The price given is what is to be paid to the City for removal of the vehicles.

The City Purchasing Agent 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 three (3) vendors. A bid was also received from Satarian Auto Parts ($115.00 per vehicle).

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

Yeas 5
Nays 0
APPROVED

PURCHASE: JANITORIAL SUPPLIES, VARIOUS VENDORS

Agenda Item #10

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

TO: Harpor Paper Company
2403 Hyde Park Blvd.
Niagara Falls, NY 14305
FOR: Item #'s: 1, 16 and 17 per the attached tally sheet.

TO: Corr Distributors, Inc.
89 Pearce Avenue
Tonawanda, NY 14150
FOR: Item #'s: 2 - 9 and 18 per the attached tally sheet.

TO: Niagara Supply Corporation
4825 Tomson Avenue
Niagara Falls, NY 14304
FOR: Item #: 15 per the attached tally sheet.

The City Purchasing Agent 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. Six (6) bids were received.

The above referenced companies submitted the lowest bids to meet our specifications for each respective item. We recommend the bids received for plastic bags (items 10 - 14) be rejected. New bids will be solicited for that commodity.

Funds for this expenditure are available in various Departments, Cleaning & Sanitary Supplies code: .0419.003.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: POTHOLE KILLER TRUCKS, PATCH MANAGEMENT

Agenda Item #11

Attached (On file in City Clerk's Office) is a proposal from Patch Management, Inc. to provide two trucks and operators for the month of April, 2010 at a cost of $70,000.00.

It is recommended that casino revenue be used to fund this.

Will the Council vote to appropriate $70,000 of casino revenue for this project and authorize the Mayor to execute the agreement on behalf of the City?

Shared services proposal between **PATCH MANAGEMENT, INC.**, 451 Tyburn Rd., Fairless Hills, PA 19030 ("PMI") and the **CITY OF NIAGARA FALLS**, 1785 New Road, P. O. Box 69, Niagara Falls, NY 143002-0069.

INTENT: This agreement provides a comprehensive program to repair potholes, alligator areas, edge erosion and utility cuts on the streets and roadways in the City of Niagara Falls, NY.

SCOPE:

- PMI will provide **two (2) PK-2000 Patcher Trucks**, **two (2) Operators**, the very highest quality of Materials, and GPS recordings of all repairs for a period of **1 Month, April 2010**.

  2 Trucks, All Materials, 2 PMI Operators, **320 Total Work Hours**

  RENTAL: $70,000.00

  Material: Approx. 2,000 gal (winter) emulsion
  Approx. 100 tons aggregate
  For Approx $11,000 total emulsion and aggregate.

  TOTAL: $70,000.00

- Local summer emulsion is not available until May 15, 2010 or later, therefore, these prices reflect the time period of April 1, 2010 to May 31, 2010.

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

Yeas 4
Fournier, Grandinetti, Walker, Fruscione
Nays 1
Anderson

APPROVED

FIREWORKS, BOOM DAY, FUNDING

Agenda Item #12

The Niagara River Boom Day event will be held on April 17, 2010 at the LaSalle Yacht Club. The City has been asked to contribute $1,000 toward the cost of the fireworks display as part of the festivities. Funding is available in the Tourism Fund balance. The City will be invoiced directly by the fireworks company for its portion of the cost.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

NFC TRANSFER OF FUNDS FOR ECONOMIC DEVELOPMENT

Agenda Item #13

NFC is the City's funding mechanism to promote economic development in the City of Niagara Falls. It is desirable that the City transfer the sum of $400,000 to NFC to be used to promote economic development projects. Funding is available from economic development casino revenues.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

MCDONALDS, CITY MARKET, NEW RESTAURANT

Agenda Item #14

As the Council is aware, the City Market is leased to Muto Development, LLC and the area covered by the lease includes the McDonald's Restaurant.

McDonald's has requested permission to tear down the existing restaurant and build a new one. The City's Planning Board has approved a site plan, which includes the demolition of a small utility structure located behind the existing restaurant.

Muto Development has also approved this configuration and request for a new restaurant.

It is requested that the Council approve the demolition of this structure at no cost to the City and authorize the Mayor to execute any documents to effectuate this in a form acceptable to the Corporation Counsel.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

CUSTOM HOUSE RESTORATION, DUKE CENTER PARKING LOT, LASALLE LIBRARY ACOUSTICS UPGRADE, LASALLE LIBRARY ROOF REPLACEMENT, GRANTS

Agenda Item #15

The City has received four grants in the above referenced program:

Custom House Restoration	$250,000
Duke Center Parking Lot	$150,000
LaSalle Library Acoustics Upgrade	$100,000
LaSalle Library Roof Replacement	$125,000

No City match for these grants is required.

Will the Council authorize the Mayor and City Administrator to file the necessary certifications with the Dormitory Authority of the State of New York which is administering the grants, and execute any other documents in a form acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0

APPROVED

BLUES FESTIVAL, FUNDING

Agenda Item #16

The Niagara Falls Blues Festival is being planned for Friday evening, September 10, 2010 and Saturday, September 11, 2010. The Niagara Festival & Entertainment Group, Inc. (the "Sponsor") is sponsoring the event once again. The location for the music venue is to be Old Falls Street in downtown Niagara Falls. The City has been asked to contribute the sum of $30,000 to help defray the costs of this event. Funding is available as follows: $20,000 from 2007 Casino Funds and $10,000 from 2010 Tourism Fund Account No. T.6410.0000.0449.070. The City's contribution to this event is contingent upon the Sponsor adhering to its budget and using the City contribution for performers, sound production, staging and lighting. Requests for reimbursement by the Sponsor must be substantiated by receipts and requests for payment of any of these expenses must be in form and substance satisfactory to the City Controller and the Corporation Counsel. The City's contribution is also subject to the terms and conditions to be contained in a funding agreement in form and substance satisfactory to the Corporation Counsel and to be prepared by the Corporation Counsel. Furthermore, as per the Sponsor's budget, at least three of the performers must be "nationally" known acts.

Will the Council approve this funding and authorize the Mayor to execute a funding agreement?

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

Yeas 5
Nays 0

APPROVED

CITY PROPERTY: 2001 BUFFALO AVENUE, SALE

Agenda Item #17

At your January 25, 2010 meeting, you approved the sale of property at 2001 Buffalo Avenue to Jesse Louis.

Due to an error in the database, the name of the bidder was incorrect and, therefore, it is requested that you rescind the approval of the sale to Jesse Louis and approve the sale of this property to the correct bidder, William Bilson, Jr.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

RESOLUTION: HISTORIC PRESERVATION COMMISSION, APPOINTMENTS, 2010-19
BY: Council Member Kristen Grandinetti

Agenda Item #18

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Historic Preservation Commission effective immediately to fill the unexpired terms of:

1. Geraldine Donovan and 2. Patrick Kuciewski:

APPOINTMENTS	**TERM EXPIRES:**
1. Anne Smith 1021 – 96th Street Niagara Falls, NY 14304 807-6973	12/31/2010
2. Donna L. Brok 664 Orchard Parkway Niagara Falls, NY 14301 285-5668	12/31/2012

Yeas 5
Nays 0
ADOPTED

RESOLUTION: SCHOOL ELECTION, USE OF POLLING PLACES, 2010-20
BY: All Council Members

Agenda Item #20

WHEREAS, the Annual School Election will be held on Tuesday, May 18th , 2010.

Attached (on file in City Clerk's Office) is a communication from the School District of the City of Niagara Falls, New York requesting approval for the use of polling places in the City of Niagara Falls, New York.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: RECREATION AND YOUTH SERVICES, STATE AID, #2010-21
BY: All Council Members

Agenda Item #21

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby authorizes the application for funds as set forth on the attached (on file in City Clerk's Office) Project Application/Resolution Certification Form.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ANIMALS, FOWL & DOGS, ORDINANCE AMENDMENT, #2010-22
BY: Council Chairman Samuel Fruscione

Agenda Item #22

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 701 of the Codified Ordinances entitled AAnimals, Fowl and Dogs@ is hereby amended by deleting Section 701.03 as follows:

701.01 FOWL AND LIVESTOCK PROHIBITED IN RESIDENTIAL DISTRICTS

No person shall keep or cause or allow to be kept upon any property in the City or in any building located thereon, which property is classified in the Zoning Ordinances as a residential district, any bees, pigeons, chickens, geese, ducks, turkeys or livestock.

• • •

[701.03 EXCEPTIONS FOR PIGEONS.

Section 701.01 shall not apply to the keeping of a homing and/or racing pigeon loft within the City.]

• • •

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

Yeas	5
Nays	0
	ADOPTED

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

Carol A. Antonucci
City Clerk

March 22, 2010

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

The first session of the March 22, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:00 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of March 8, 2010.

Yeas	5
Nays	0
	APPROVED

John Faso, Director of Special Events at the Niagara Falls Conference Center, gave a presentation on events at Old Falls Street. Chairman Fruscione asked about background checks for promoters of concerts at the Center, and other things that could be done to prevent situations like the one that occurred during a concert at the Center in the past week. A discussion followed on vending in the area.

In the Administrative Update, City Administrator Donna Owens reported:

1. She had met with those involved in preventing situations during events downtown to insure that the problems that occurred during the past week would be avoided in the future.
2. Census forms have been delivered to residents in the City, and she encouraged all to "stand up and be counted".
3. She thanked Council Member Walker for his help in setting up the Health Insurance Fair that was held at City Hall last week.
4. The snow removal schedule ends on March 28, and street cleaning and other spring time work will begin.
5. RFQ's for the Golf Pro Shop were put out, three responses were received, and one vendor was interested in submitting a proposal.
6. The Administration has met with Art Garabedian to discuss the City's needs for a display case in the lobby of City Hall, and he will be submitting his proposal for the Project.
7. The EEOC position was advertised again, and over 70 applications were received, and a short list of 4 applicants has been established. The Office has been painted and new carpeting installed.
8. The Landlord Licensing Clerk position has been advertised, and a workspace and furnishings are in place for the person who will be hired to fill the position.
9. An outside contractor has been asked to provide a price for the removal of an additional 30 City trees. Chairman Fruscione noted that stumps remain from previous tree removals, and Public Works Director David Kinney added that the previous contractor would address the issue when the weather permitted, and Mayor Paul Dyster added that a new machine would be purchased under the 2010 Capital Plan for stump removals.
10. The Main Street code violations blitz would begin this weekend, weather permitting.

11. Economic Development Director Peter Kay said that the Crowne Plaza Hotel was up for a foreclosure auction on March 23; he had met with USA Niagara about street construction in the downtown area that would start in April and be finished in May, and the Comfort Inn would not have anything in it's retail section for this tourist season. Chairman Fruscione asked that Mr. Kay work with the Comfort Inn to address this issue.

12. City Controller Maria Brown gave a report on the bed tax receipts, and noted that there is a small surplus in the portion set aside for the trolley.

13. City Engineer Thomas Radomski said that the Engineering Department had received a preliminary design for the Abate Basketball Court, and bids would go out on April 6.

Corporation Counsel Craig Johnson distributed copies of an Item to be added to the Agenda relative to Phase I for the Niagara Falls City Hall Exterior Restoration Project.

Council Member Fournier moved to add the Item to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD ITEM TO AGENDA APPROVED

The Item was added to the Agenda as #15.

Council Member Walker asked what was included in Phase I of the Project, and Mr. Radomski responded that it would include repairs to the front stairwells, and patching, repairing and cleaning the exterior of the building. Chairman Fruscione said that he would like to see repairs to the parking lot and driveway included as part of the Project, but Mayor Dyster replied that that work would not be done at this time.

Mayor Dyster informed the Council Members that bids were opened for the Hyde Park Ice Rink Project, and the bids had come in higher than expected. He said that the Administration would try to find additional funding before awarding the bid for the Project. He also noted that a Special Council Meeting may have to be scheduled before the next regular Council Meeting to act on an amendment to the agreement with the New York Power Authority.

Chairman Fruscione asked Mr. Kinney if the Mechanics working in the Public Works Department were granted upgrades (Agenda Item #10), would they receive additional training, and Mr. Kinney responded that they would. Chairman Fruscione also inquired about temporary help for the cleaning staff at City Hall due to the illness of a permanent Cleaner, and Mr. Kinney responded that he had a plan to address the issue.

Mr. Kinney also noted the amount of trash that is put out on Pine Avenue and Main Street by private households, and said that since he only has one worker and truck to pick up trash in these areas, he would begin enforcing placement of household garbage in the alleys rather than on the streets.

Mayor Dyster said that the NTCC Tourist Center should be open by the first or second week in June; the 2010 Paving Program would be very aggressive, and would include 10th Street behind the new Municipal Services Building; and part of the industrial section of Buffalo Avenue may be repaired by using the mill & overlay process.

This Session ended at 5:00 PM

Chairman Fruscione reconvened the Meeting at 7:00 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:

Trudy Christman	Agenda Item #14
Mark Teoli	Agenda Item #7
Ken Hamilton	Agenda Item #10
Kathleen Lloyd	Agenda Item #4
April Jones	Registered sex offenders living in her area
Deborah Anderson	Name change to Fashion Outlet Blvd.
Ken Hamilton	Council doing a good job
Gary McCunn	Jayne Park improvements
Gloria Dolson	Gang violence in the City

THE FOLLOW COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #1
Claims Report for the month of February, 2010
This Item was Received and Filed

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CLEANING OF VACANT LOTS, NIAGARA GRASS CUTTING

Agenda Item #2

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

TO: Niagara Grass Cutting
2637 Niagara Falls Boulevard
Niagara Falls, NY 14304 .

FOR: Furnishing of proper equipment and experienced manpower to clear, cut and/or mow all vegetation (weeds, brush, etc.) on privately and City-owned lots in the City of Niagara Falls.

1. up to 35' frontage	$ 14.00/lot
2. 36' to 50' frontage	10.00/lot
3. 51' to 100' frontage	5.00/lot
4. 101' to 1 acre	10.00/lot
5. over 1 acre	35.00/lot
6. margins and improved property	14.00/man hour

The City Purchasing Agent 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. Three bids were received. The above referenced company submitted the lowest bid prices for each respective item.

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: AGRICULTURAL CHEMICALS, VARIOUS VENDORS

Agenda Item #3

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

TO: Andre & Son, Inc.
2 Mill Street
Montrose, PA 18801

FOR: Items: 1, 5 and 10 as per the attached tally sheet. $ 7,373.20

TO: John Deere Landscapes
1301 East 9th Street
Suite 1300
Cleveland, OH 44114-1849

FOR: Items 2, 6, 7 and 8 as per the attached tally sheet. 11,868.00

TO: Lakeside Sod Supply
6660 Goodrich Road
Clarence Center, NY 14032

FOR: Items 4 and 12 as per the attached tally sheet. 3,623.00

TO: Professional Turf Surfaces, inc.
8704 Brickhouse Drive
Corfu, NY 14036

FOR: Items 3, 9 and 11 as per the attached tally sheet. 3,559.50

TOTAL: $26,423.70

The City Purchasing Agent 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 bid requests were sent to Six (6) vendors. Four (4) bids were received. The above referenced companies submitted the lowest bids to meet our specifications for each respective item.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: ELECTRIC ICE RESURFACER, ZAMBONI COMPANY

Agenda Item #4

SUBJECT: Bid # 8-10 Electric Ice Resurfacer

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

TO: Zamboni Company
15714 Colorado Avenue
Paramount, CA, 90723

FOR: One (1) Zamboni Model 552 Electric Ice Resurfacer:
$123,496.20

The City Purchasing Agent 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 bid requests were sent to three (3) vendors. Two (2) bids were received. The above referenced company submitted the lowest bid. LSK Enterprises, Inc. submitted a bid price of $169,100.00.

Funding for this expenditure is being provided through a proposed agreement with the New York State Power Authority. A separate item on the Council agenda requests approval of that agreement.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: ELIMINATE VIOLANCE AGAINST WOMEN, POLICE DEPARTMENT GRANT

Agenda Item #5
RE: Approval to accept Police Department Grant in the amount of $36,000 for "Eliminate Violence against Women"

Council Members:
The Police Department has been awarded a $36,000 grant under the Eliminate Violence against Women Program.
There is no required City match.
Will the Council approve acceptance of the grant and authorize the Mayor to execute any agreements or other documents necessary to effectuate this?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CORPORATION COUNSEL: RECLASSIFICATION OF POSITION

Agenda Item #6
RE: Reclassification of position in Law Department

Council Members:
For many years a Principal Clerk position has existed in the Law Department. The job duties required of this position have increased substantially over the years. The duties performed in the job title Principal Account Clerk (Grade 17) more accurately describe the duties required of this position. The Principal Clerk salary is $35,750.01 (Grade 12-4.4) and the Principal Account Clerk salary will be $37,476.98, a difference of $1,726.97. The Civil Service Commission approved this reclassification at its March 4, 2010 meeting.
There are two Legal Secretary positions open in the Law Department. One position is currently in the process of being filled. The other position has not been filled but may be filled in the future, depending upon office workload. This is proposed to be effective March 23, 2010. There is no request for additional funds for the Law Department, nor is there is any adverse impact on the adopted budget, due to the existence of this second unfilled position.
Will the Council approve the abolishment of the Principal Clerk position and the creation of a Principal Account Clerk position as set forth above?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: NIAGARA FALLS JUNIOR PURPLE EAGLES

Agenda Item #7
RE: Niagara Falls Junior Purple Eagles

Council Members:

The Niagara Falls Junior Purple Eagles is an age 12 and under traveling baseball team which will be competing in a tournament at Cooperstown Dreams Park. As is protocol at tournaments of this nature, players from around the country and the world who participate in this tournament exchange pins decorated with the logo representing their hometowns. The Junior Purple Eagles seek to have pins made which will have Niagara Falls as the backdrop. This is viewed as an effort to promote the City of Niagara Falls and foster and encourage tourism. The City has been asked to contribute the sum of $1,500 toward the cost of these pins as per the attached correspondence. Funding is available from Tourism Fund balance. This contribution is subject to the terms and conditions contained in a funding agreement to be prepared by the Corporation Counsel.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

CITY COUNCIL: SECRETARY, SALARY INCREASE

Agenda Item #8
Council Members:

During the past six months the duties and responsibilities of the Secretary to the City Council have increased substantially. It is requested that the salary of the Secretary be increased by $3,000. Funding for this increase is available from the City Council's Undesignated Services line, No. A.1010.1010.0449.599.

Will the Council so approve?

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

Yeas	4
Fournier, Grandinetti, Walker, Fruscione	
Nays	0
Abstain	1
Anderson	

APPROVED

NEW YORK POWER AUTHORITY (NYPA) GREEN FLEETS PROGRAM

Agenda Item #9
RE: New York Power Authority (NYPA) Green Fleets Program

Council Members:

The City wishes to participate in NYPA's Green Fleets Program which reflects the State of New York's commitment to achieve a cleaner and more efficient use of energy and natural resources. NYPA has initiated a "Green Fleets Program" which is designed to replace internal combustion vehicles with electric-drive vehicles, or to substitute the purchase of electric-drive vehicles for the purchase of internal combustion vehicles. The City has an opportunity to purchase one electric ice resurfacer through the NYPA Green Fleets Program and NYPA will agree to reimburse the City for the sum of up to $125,000 which will include the purchase and delivery of the electric ice resurfacer, the purchase and installation of required charging infrastructure, energy metering equipment and the purchase and application on the electric resurfacer of NYPA signage. The City will be required to initially pay for the electric ice resurfacer and NYPA will reimburse the City for money spent up to $125,000. The cost of the ice resurfacer is projected to be less than $125,000. Funding is available for the outlay of City money prior to reimbursement by borrowing from the undesignated portion of 2009 Casino Funds which have not been yet earmarked.

Will the Council authorize the Mayor to execute the Green Fleets Program Agreement, a copy of which is attached hereto (on file in City Clerk's Office)?

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

Yeas 5
Nays 0

APPROVED

PUBLIC WORKS DEPARTMENT: REORGANIZATION OF DEPARTMENT

Agenda Item #10
RE: Reorganization of Department of Public Works

Council Members:

The Director of the City's Department of Public Works has requested a partial reorganization of the department. Attached hereto (On file in City Clerk's Office) is a spreadsheet which details this proposed reorganization. The total cost of this reorganization is $36,001.48. Funding is available through the DPW budget resources.

Will the Council so approve?

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

Yeas 4
Fournier, Grandinetti, Walker, Fruscione
Nays 1
Anderson

APPROVED

CAPITAL PLAN, 2010

Agenda Item #11
RE: 2010 Capital Plan

Council Members:
After numerous meetings and discussions with City department heads and Council Members, the 2010 Capital Plan has been developed. Attached hereto is the 2010 Capital Plan which describes the various projects and corresponding funding sources.
Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

RESOLUTION: LANDLORD RENTAL & PROPERTY OWNER REGISTRATION, ANIMALS, FOWL & DOGS, ORDINANCE AMENDMENTS, MAYOR'S APPROVAL

Agenda Item #12

Please be advised that Mayor Paul A. Dyster on March 8, 2010 duly approved Resolution 2010-18 relative to Adopting Chapter 1137 of the Codified Ordinances entitled "Landlord Rental & Property Owner Registration" adopted by Council on February 22, 2010.
Also, please be advised that on march 9, 2010, Mayor Paul A. Dyster duly approved Resolution 2010-22 relative to amending Chapter 701 of the Codified Ordinances entitled "Animals, Fowl & Dogs", which was adopted by the City Council on March 8, 2010.
THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: POLICE DEPARTMENT, ANNUAL AWARDS, #2010-23

Agenda Item #13

RELATIVE TO THE NIAGARA FALLS POLICE DEPARTMENTS ANNUAL AWARDS

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, On February 26th, 2010, the Niagara Falls Police Department held their annual awards ceremony. It is the intention of the Niagara Falls Police Department to recognize members who intelligently distinguish themselves in the line of duty. The Awards Committee was established by the Niagara Falls Police Department to review and select Officers from appropriate commendations submitted to the Committee. It is through such process that the following Niagara Falls Police Officers were chosen for these 2010 Awards:

Officer John Michael Corcoran – Presented with the Leo Maj Memorial Award
Officer Michael Tarnowski – Presented with the Jimmy Thompson Memorial Award
Officer Franco Tallarico – Presented with the Distinguished Senior Officer Award
Detective Patricia McCune – Presented with the Outstanding Detective Award
Lt. Angela Munn – Presented with the Distinguished Volunteer Service Award
Lt. E. Byran Dalporto – Presented with the Chief's Award
JohnWojewoda, Communications Technician - Presented with the Chief's Award
Officer David Cudahy - Presented with the Chief's Award
Office Michael Drake - Presented with the Chief's Award
Officer Matthew Illig - Presented with the Samaritan Medal
Officer Philip Tripi - Presented with the Honorable Service Medal
Detective John Faso - Presented with the Honorable Service Medal
Detective Thomas Rodriguez - Presented with the Honorable Service Medal
Detective Stephen Reed – Presented with the Honorable Service Medal
Detective Christopher Clark – Presented with the Honorable Service Medal
Officer Michael Bird – Presented with the Wounded in Combat Medal and the Medal of Honor
Office Walter Nichols – Presented with the Wounded in Combat Medal and the Medal of Honor
Lt. Kelly Rizzo – Presented with the Medal of Honor
Officer Richard Fleck – Presented with the Medal of Honor
Officer Nicholas Granto – Presented with the Medal of Honor

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, congratulates the above honorees for their distinguished behavior in the line of duty.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PAONESSA, JOSEPH P., HONORING, #2010-24

Agenda Item #14
RELATIVE TO HONORING THE MEMORY OF MR. JOSEPH P. PAONESSA

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, on March 15, 2010, Mr. Joseph P. Paonessa passed away from congestive heart failure; and

WHEREAS, Mr. Paonessa has been the chairman of the Niagara Falls Home Improvement Registration and Review Board and a charter member of the City of Niagara Falls Board of Examiners of Electricians for 25 years as well as a member of the Board of Directors for the Health Association of Niagara County, a member of the City of Niagara Falls Senior Citizen Advisory Board, and a member of the Niagara Arts and Cultural Center (NACC); and

WHEREAS, Mr. Paonessa was distinguished for his community service. He received the LaSalle Community Service Award for his service to the community as a charter member of the Black Creek Block Club, which spearheaded the five-year design and construction of the Black Creek Community Park. He also received the distinguished "Amazing Volunteer Award" from the NYS President of AARP where he was an 18-year member and served many terms as the chapter president. As a member of the Niagara County Builders Association, Mr. Paonessa served three-terms as president of the organization, 25 years as Home Show Chairman and received the NCBA "Man of the Year Award" and the "President's Spike Award." He was recognized for his efforts with the "Tops Good Neighbor Award" and the National Multiple Sclerosis "Appreciation Award." In 2004, he was honored for his life-time commitment to the Pine Avenue *Little Italy* area with the *"Cittadini Speciali"* Award.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council pay tribute to Mr. Joseph Paonessa's contributions throughout his career and to his community service. His outstanding volunteer achievements have enhanced the quality of life for all who knew him. He will be deeply missed.

Yeas	5
Nays	0
	ADOPTED

CONTRACT: CITY HALL EXTERIOR RESTORATION, MORRIS MASONRY RESTORATION

Agenda Item #15

SUBJECT: LETTER OF AWARD FOR NIAGARA FALLS CITY HALL EXTERIOR RESTORATION PHASE 1

The following was the result of bids received on March 16, 2010, for the above referenced project:

CONTRACTOR	BASE BID	ALTERNATE #1	ALTERNATE #2
Morris Masonry Restoration 40 Appenheimer Ave. Buffalo NY 14214	$525,746.00	$12,950.00	$11,160.00
Graciano Corp.	$582,122.00	$19,560.00	$22,216.00
Lupini Construction Inc.	$767,000.00	$21,000.00	$15,900.00
Western Bldg Restoration	$974,596.00	$29,997.00	$44,012.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Morris Masonry Restoration, at their Total Bid of $549,856.00, pending full legal review of submitted bid documents. Funding is available in Code H0611.2006.0611.0449.599.

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

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

Yeas 5

Nays 0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:35 p.m.

Carol A. Antonucci
City Clerk

April 5, 2010

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

The first session of the April 5, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Donna D. 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 March 22, 2010.

Yeas	5
Nays	0
	APPROVED

Damon DeCastro spoke on the Hotel property at 7701 Buffalo Avenue and said that the site plan has been submitted to Planning; private interim funding is in place; the hotel will be designated as a Four Points franchise; and, the opening is anticipated for late in 2010.

Paul Tronolone of USA Niagara spoke on the amendments to the Vendors Ordinance, and noted that those who currently hold a Vendor's License will be not affected.

John DiDonato and the architect working on the Hyde Park Ice Rink Project spoke on improvements that were included in Phase I of the Project. Council Member Anderson expressed concern about the poor lighting in the parking lot area; Mayor Paul Dyster said that meetings with the Board of Education relative to their participation in the Project are ongoing; and, the Trades Division of the Public Works Department will work on locker room improvements for the time being. Council Member Walker asked that the Director of Public Works oversee the continued maintenance of the facility by the lessee, and Council Member Grandinetti spoke of the economic spin off that is realized from use of the facility. Council Member Anderson recommended planning for future use when projects such as this are undertaken.

Economic Development Director Peter Kay reported that he had met with the Retail Manager of the West Mall/Comfort Inn to discuss filling the area with vendors before the tourist season begins, he gave the Manager a list of potential lessees and will continue to monitor the situation; there are two years left on TeleTech's lease, and the company is seeking subsidies that they are not qualified to receive; and ACS relocated to the Town of Niagara since they did not have enough room to expand their operation and there were issues with parking. Mr. Kay is helping the owner to market the building.

City Engineer Thomas Radomski noted that the City has received a 50% submission from the architect for the Abate Basketball Court Project, and construction should begin by the end of May.

Director of Public Works David Kinney reported that he is waiting for the opening of the bid for millings, which will be approximately May 1st; the bid was opened for the contract for tree trimming, and the Council is sent a weekly report on stump removal; work on the sidewalks on Third Street was started last week, and the Pothole Killer will start work on April 6th, weather permitting. Chairman Fruscione commented on the amount of trash along the alleyway behind the Aquarium, and asked Mr. Kinney to send his crews to clean up the area.

Mayor Dyster said that exterior inspections were done on Main Street, and over 100 citations were issued.

Mayor Dyster also spoke on the Census, and encouraged residents to return their forms. He noted that the Census website provides information on participation by geographical area.

Corporation Counsel Craig Johnson explained an amendment to the Vendors Ordinance (Agenda Item #13) and the addition of another site to the map accompanying the Ordinance.

Council Member Fournier moved to amend the Item.

Yeas	5
Nays	0

AMENDMENT APPROVED

This Session ended at 5:15 PM

Chairman Fruscione reconvened the Meeting at 7:03 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier 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:

Rabsheena Jones	Agenda Item #13
Melvin Johnson	Agenda Item #13
Ken Hamilton	Agenda Items #1, #3-11 & #13, against spending more on Ice Pavilion than Basketball Courts
James Orr	broken water valve at 4th & Ferry Ave
Ron Anderluh	no response from Water Board relative to repair requests; East Pedestrian Mall, DPW raises were well deserved, especially Director David Kinney
Wanda Gitzmore	Police Department concerns
Ken Hamilton	Agenda Item #13 should be tabled, City cannot afford DPW raises that were given
Diane Tatteresall	commended Police Department for handling incident on D St, we should promote Niagara Falls ourselves, USA Niagara funding, Vendor Ordinance changes need more explanation
Jason Chilcote	place blame where it belongs, promote City ourselves

PURCHASE: MEALS FOR PRISIONERS, FRANKIES DONUTS, INC.

Agenda Item #1
We respectfully request you award the above referenced bid as follows:

TO: Frankies Donuts, inc.
717 Portage Road
Niagara Falls, NY 14301
FOR: Meals for prisoners at the Public Safety Building:

Breakfast (est. 4,900)	$1.00
Lunch (est. 5,800)	1.75
Supper (est. 1,900):	1.75

The City Purchasing Agent 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 6 (six) vendors. The above referenced company submitted the lowest bid. One other bid was received from Burger King (breakfast $1.00, Lunch $1.95 and Supper $1.95).
Funds for this expenditure are available in A3120.0001.0449.599.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

PURCHASE: OILS & LUBRICANTS, NOCO ENERGY CORP & SUPERIOR LUBRICANTS CO., INC.

Agenda Item #2
We respectfully request you award the above referenced bid as follows:

TO: NOCO Energy Corporation
2440 Sheridan Drive
Tonawanda, NY 14150
FOR: Items 1, 2, 4 and 10 per the attached tally sheet.

TO: Superior Lubricants Co., Inc.
32 Ward Road
North Tonawanda, NY 14120
FOR: Items 3, 5 - 9 and 11 per the attached tally sheet.

The City Purchasing Agent 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 Three (3) vendors. Two (2) bids were received. The above referenced companies submitted the lowest bids for each respective item.
Funds for these expenditures are available in the Central Garage code: MV0055.0000.0414.000.
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: CONSULTANT SERVICES FOR HYDE PARK GOLF COURSE CLUBHOUSE HVAC SYSTEMS UPGRADE, ROBSON WOESE, INC

Agenda Item #3

SUBJECT: LETTER OF AWARD FOR CONSULTANT SERVICES FOR HYDE PARK GOLF COURSE CLUBHOUSE HVAC SYSTEMS UPGRADE

Based on the New York State Department of Transportation mandated merit selection process, please be advised that Robson Woese, Inc. has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Robson Woese, Inc. at its Proposal Price of $15,000.00. Funding is available through Casino Funds to Code GC.7250.0200.0451.000.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: HYDE PARK ICE PAVILION, ADDITIONAL REPAIRS AND RENOVATIONS, FUNDING

Agenda Item #4

RE: Hyde Park Ice Pavilion

Council Members:

After reviewing the existing conditions at the City-owned Hyde Park Ice Pavilion, it is necessary at this time to make additional repairs and renovations as described on the attached schedule. It is anticipated that the cost of these additional repairs and renovations will cost $550,000. Funding is available from 2009 Casino Revenues.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: HYDE PARK ICE PAVILION , MECHANICAL CONTRACT, J. W. DANFORTH

Agenda Item #5

SUBJECT: LETTER OF AWARD FOR HYDE PARK ICE PAVILION ADDITIONS AND ALTERATIONS PHASE 1 – (MECHANICAL CONTRACT)

The following was the result of bids received on March 16, 2010, for the above referenced project:

CONTRACTOR	BASE BID
J.W.Danforth 300 Colvin Woods Pkwy Tonawanda NY14150	$737,000.00
Mollenberg Betz, Inc.	$857,000.00
D.V. Brown & Associates	$887,000.00
Hoot Mechanical	$953,400.00

It is the recommendation of the undersigned that this project be awarded to the low bidder J.W. Danforth, at their Base Bid of $737,000.00. Funding information is provided elsewhere on this 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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: HYDE PARK ICE PAVILION, ELECTRICAL CONTRACT, CIR ELECTRIC

Agenda Item #6
SUBJECT: LETTER OF AWARD FOR HYDE PARK ICE PAVILION ADDITIONS AND ALTERATIONS PHASE 1 - (ELECTRICAL CONTRACT)

The following was the result of bids received on March 16, 2010, for the above referenced project:

CONTRACTOR	BASE BID
CIR Electric 400 Ingham Avenue Buffalo, NY 14218	$423,000.00
O'Connell Electric	$483,000.00
Industrial Power Lighting	$519,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder CIR Electric, at their Base Bid of $423,000.00. Funding information is provided elsewhere on this 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: HYDE PARK ICE PAVILION, PLUMBING CONTRACT, J.R. SWANSON PLUMBING

Agenda Item #7
SUBJECT: LETTER OF AWARD FOR HYDE PARK ICE PAVILION ADDITIONS AND ALTERATIONS PHASE 1 – (PLUMBING CONTRACT)

The following was the result of bids received on March 16, 2010, for the above referenced project:

CONTRACTOR	BASE BID
J.R. Swanson Plumbing 413 103rd St Niagara Falls NY 14304	$421,900.00
Ackermann Plumbing	$430,880.00
Cayuga Piping	$473,900.00
D.V. Brown & Associates	$518,400.00
Hoot Mechanical	$524,800.00

It is the recommendation of the undersigned that this project be awarded to the low bidder J.R. Swanson Plumbing, at their Base Bid of $421,900.00. Funding information is provided elsewhere on this 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: HYDE PARK ICE PAVILION, GENERAL CONTRACT, SICOLI CONSTRUCTION SERVICES

Agenda Item #8

SUBJECT: LETTER OF AWARD FOR HYDE PARK ICE PAVILION ADDITIONS AND ALTERATIONS PHASE 1 - (GENERAL CONTRACT)

The following was the result of bids received on March 16, 2010, for the above referenced project:

CONTRACTOR	BASE BID	ALT #4	ALT #7	ALT #8	TOTAL BID
Sicoli Construction Ser 4800 Hyde Park Blvd. Niagara Falls, NY 14305	$1,388,700	$11,800	$72,000	$41,900	$1,514,400.00
Scrufari Construction	$1,389,000	$14,000	$75,000	$23,000	$1,501,000.00
RB Mac Construction	$1,399,000	$11,000	$72,000	$30,000	$1,512,000.00
Ledgecreek Developmen	$1,459,000	$14,000	$82,000	$20,000	$1,575,000.00
Walter S. Johnson	$1,495,000	$18,500	$73,000	$22,300	$1,608,800.00
Sicoli & Massaro	$1,589,000	$80,200	$78,000	$40,000	$1,787,200.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Sicoli Construction Services, at their Total Bid of $1,514,400.00. Funding information is provided elsewhere on this 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

PURCHASE: SOFTWARE AND OPERATOR TRAINING, LANDLORD RENTAL AND PROPERTY OWNER REGISTRATION, NIAGARA BUSINESS SOLUTIONS, INC.

Agenda Item #9

RE: Landlord Rental and Property Owner Registration Legislation

Council Members:

In an effort to implement the new Landlord Rental and Property Owner Registration legislation, it is necessary to obtain software and operator training. It is estimated that the software and appropriate computer conversions will cost $5,000 and operator training will not exceed $500, for a total of $5,500. Funding is available from City Council Contingency line item.

Attached hereto is a copy of the proposal from vendor Niagara Business Solutions, Inc.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

CONTRACT: NTCC, AUDIT OF BOOKS AND RECORDS, BONADIO GROUP

Agenda Item #10
RE: Audit of NTCC's Books and Records

Council Members:

In order to accomplish an audit of the books and records at the NTCC involving the expenditure of public funds, it is recommended that the City retain the services of The Bonadio Group to assist the City in performing that audit. The scope of services proposed is comprehensive and is projected to cost not more than $10,000. Funding is available from the City Council Contingency Fund.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: APPOINTMENT, SENIOR CITIZEN COUNCIL, 2010-25

Agenda Item #11
RELATIVE TO APPOINTMENT TO THE NIAGARA FALLS SENIOR CITIZEN COUNCIL
BY: Council Chair Sam Fruscione

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Senior Citizen Council effective immediately for the expiration date, which appears opposite his/her name

APPOINTMENT	TERM EXPIRES
Ed Weber 1306 Maple Avenue Niagara Falls, NY 14305	12/31/2012

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: ROBERTSON, JACOB, HONORING, 2010-26

Agenda Item #12
RELATIVE TO HONORING JACOB ROBERTSON

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, the Niagara Falls School District recognizes that its students are a part of a larger community - and students are encouraged to be aware of the larger community around them and the positive role they can play in society; and

WHEREAS, Jacob Robertson is a Third Grade Student at Maple Avenue Elementary School in the City of Niagara Falls. Upon celebrating his 9th birthday on March 26th, 2010, Jacob donated all of his birthday presents to Women and Children's Hospital of Buffalo; and

WHEREAS, the hospital can be a frightening place for patients, especially children. Children are precious and deserve, not only physical care, but emotional support while undergoing medical treatment. Jacob's donation will deliver that emotional support while bringing a smile to many of the faces of the children who are recovering from their illness.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, recognize Jacob Robertson for his generosity and positive actions toward others, especially children, in his community.

Yeas	5
Nays	0
	ADOPTED

Agenda Item #13
RELATIVE TO AMENDING CHAPTER 341 OF THE CODIFIED ORDINANCES ENTITLED "VENDORS"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 341 of the Codified Ordinances entitled "Vendors" is hereby amended by amending the Sections to read as follows:

CHAPTER 341
VENDORS AND PEDDLERS

341.01	Findings and Purpose	341.12	Restrictions Applicable to all Vendors and Peddlers
341.02	Definitions	341.13	Suspension or Revocation of License
341.03	License Required	341.14	Appeals
341.04	Application	341.15	Renewals
341.05	Health Permits	341.16	Old Falls Street Special Vending District
341.06	Issuance of License	341.17 – 341.89	Reserved
341.07	Holder of License	341.90	Penalties
341.08	Exemptions	341.99	Severance Clause
341.09	License Fees		
341.10	Official Map of Designated Vendor Locations		
341.11	Licenses and Identification Badges		

341.01 Findings and Purpose

It is found and declared that:

(a) The primary purpose of the public streets, sidewalks, and other public ways is for use by vehicular and pedestrian traffic;

(b) The offering of varied goods and services for sale on such public ways, if properly managed, promotes the public interest by contributing to an active and attractive pedestrian environment;

(c) Reasonable regulation of vending and peddling of goods on public ways is necessary to protect the public health, safety, and welfare;

(d) The realization of clean, sanitary, attractive, and well-managed street vending and peddling services can contribute to a positive impression of the City by visitors and residents experience and serve as an important means of business entrepreneurship to City residents;

(e) While street vending and peddling can serve as an amenity and offer entry-level business opportunities, nevertheless it is important to carefully consider the rights of permanent businesses in the City in administering such activities so as to avoid conflicts to the greatest extent feasible, and

(f) The regulations contained in this Chapter are not intended to prohibit or hamper speech which is protected by the First Amendment, but merely to regulate specific activities which are commercial in nature.

341.02 Definitions

(a) "Motor Vehicle" shall mean any vehicle used for the displaying, storing, or transporting of articles for sale by a vendor or peddler which is required to be licensed and registered by the State Department of Motor Vehicles. The term is to include trailers, trucks and automobiles.

(b) "Peddler" shall mean any individual, whether self-employed or an employee/agent of an individual, group of individuals, proprietorship, partnership, or corporation who sells or offers to sell food, beverages, goods, or merchandise on any public way from his or her person or from a vehicle in locations that are not fixed.

(c) "Public way" shall mean all areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, and City-owned parks, but not including parks and facilities operated by the New York State Office of Parks, Recreation, and Historic Preservation, public parking lots, parking structures, and interior areas and areas surrounding public buildings.

(d) "Sales on foot" shall mean selling ready-made food, goods, or merchandise solely from his or her person using only conveyances that can be moved by foot such as backpack or hawker's trays/chests.

(e) "Stand" shall mean any stand, table, bench, booth, rack, hand/push, bicycle, or other type of vending cart, or any other fixture or device which is not required to be licensed and registered by the Department of Motor Vehicles, and is used solely for the preparation, display, storage and/or transportation of food, beverage, and other articles offered for sale by a vendor or peddler.

(f) "Vendor" shall mean any individual, whether self-employed or an employee/agent of an individual, group of individuals, proprietorship, partnership, or corporation, who sells or offers to sell food, beverages, goods, or merchandise on any public way from a stand, cart, motor vehicle, or from his or her person, in a fixed location.

341.03 License Required

It shall be unlawful for any vendor or peddler to sell, display or offer for sale any food, beverage, goods or merchandise on a public way within the City of Niagara Falls without first obtaining a license from the City Clerk.

341.04 Application

The application for a vendor's or peddler's license shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to:

(a) A complete, notarized application for a license to vend or peddle (available at the Office of the City Clerk) including full name, home address, permanent business address (if any), telephone number, driver's license number, and proof of age and identity;

(b) General liability and product liability insurance coverage of $1,000,000 per occurrence and $2,000,000 aggregate naming the City of Niagara Falls as additionally insured;

(c) New York State sales tax certificate;

(d) If food will be sold, proof of a permit from the Niagara County Health Department.

(e) A brief description of the nature, character, and quality of the food, beverages, goods, or merchandise to be sold;

(f) The specific location, if any, in which the vendor intends to conduct business;

(g) If vendor is employed by or is an agent of another individual, group of individuals, proprietorship, partnership, or corporation, the name, business address, and the name of the principal/hiring person of the entity;

(h) If a motor vehicle is to be used in the vending or peddling business, a description of the vehicle together with the motor vehicle registration number and the license number;

(i) Two personal references from residents of the City of Niagara Falls (for first time applicants only);

(j) Information from the applicant, if applicable, on any arrests or convictions for misdemeanor or felony offenses for a period of two (2) years prior to the application (to be verified by a police background check);

(k) A complete listing of any other licenses or permits issued to applicant by the City of Niagara Falls within the past five years;

(l) Two current 1¼" x 1½" color photographs of the applicant; and

(m) Photograph or rendering of the motor vehicle, stand, cart or other conveyance as defined in §341.02 proposed for use under the license, noting dimensions, color, signs, and other features of the conveyance.

341.05 Health Permits

No license shall be issued to any vendor or peddler engaged in the sale of food or beverages unless such vendor or peddler shall have been granted a food service permit by the Niagara County Health Department or unless such vendor or peddler shall have applied for a food service permit with the Niagara County Health Department and an inspection of the vendor or peddler has been scheduled by the Niagara County Health Department. If the Niagara County Health Department fails to issue a food service permit to operate to any such vendor or peddler for any reason, then any such license issued by the City Clerk shall be null and void. Any food service permit issued by the Niagara County Health Department must be renewed by annually by the vendor or peddler.

341.06 Issuance of License

(a) Not later than ten (10) business days after the filing of a completed application for a vendor's or peddler's license, the applicant shall be notified in writing by the City Clerk of the decision on the issuance or denial of the license. If the vendor or peddler applicant complies with all application requirements and is found to have no nonconformities rationally related to sales on public ways in the City of Niagara Falls, the applicant shall be issued a vendor's or peddler's license. Any applicant denied a vending license may seek an appeal pursuant to Section 341.14.

(b) An annual vending license is valid for a period of one year, beginning on May 1 of the year issued and extending to April 30 of the following year. Applications for annual licenses received later than April 1 of the year for which the license would begin shall be on a first come, first served basis and shall not be considered until other pending applications received prior to April 1 are ruled upon.

(c) A ten-day vending or peddling license is valid for ten (10) calendar days from the date of issuance. No more than three (3) ten-day licenses shall be issued to any individual in one calendar year. Applications for a ten-day license may be submitted to the City Clerk no sooner than ten (10) business days prior to the period for which the license would apply.

(d) A day vending or peddling license is valid for one (1) calendar day from the date of issuance, as specified on the license. No more than five (5) day licenses shall be issued to any individual in one calendar year. Applications for a day license may be submitted to the City Clerk no sooner than ten (10) business days prior to the period for which the license would apply.

341.07 Holder of License

A vendor's or peddler's permit shall permit only the specific individual that will conduct the actual sales permitted under the license. The rights provided under the license shall not be transferable to any other individual, employee or agent for the license holder.

341.08 Exemptions

The following vendors are exempt from the licensing requirements of Section 341.03 and 341.07, but shall otherwise be required to comply with the provisions of this ordinance:

(a) All religious, non-profit, and charitable organizations, including school groups, provided that such groups are selling goods as part of a designated event to benefit such group and that such event has been otherwise approved or permitted by the City to occur in whole or in part in a public way or on other public property;

(b) The sale of fresh produce by the grower of such produce in a designated and/or permitted farmers market;

(c) Vendors, merchants, exhibitors, and salesmen who exhibit, demonstrate, or solicit orders for goods in conjunction with, and as part of, the organized program of conventions, professional meetings, seminars, special events, or concerts, provided such convention, professional meeting, seminar, special event, or concert has been otherwise approved or permitted by the City to occur in whole or in part in a public way or on other public property, including but not limited to the "Old Falls Street Manager" specified in Section 341.16; and

(d) Any individual peddler or carrier selling newspapers or magazines, or distributing free samples from his or her person.

341.09 License Fees

The fees for licenses issued under this ordinance shall be as follows:

(a) Vendors
  (1) Two Hundred Fifty Dollars ($250.00) per year for an annual license for a vendor who uses a motor vehicle or stand as defined in §341.02.
  (2) Seventy-Five ($75.00) for a ten-day license for a vendor who uses a motor vehicle or stand as defined in §341.02.
  (3) Fifty Dollars ($50.00) for a day license for a vendor who uses a motor vehicle or stand as defined in §341.02.

(b) Peddlers
  (1) Two Hundred Fifty Dollars ($250.00) per year for an annual license for a peddler who uses a motor vehicle or stand as defined in §341.02.

(2) Seventy-Five ($75.00) for an annual license for a peddler who performs sales on foot as defined in §341.02.
(3) Seventy-Five ($75.00) for a ten-day license for a peddler who uses a motor vehicle or stand as defined in §341.02.
(4) Fifty Dollars ($50.00) for a ten-day license for a peddler who performs sales on foot as defined in §341.02.
(5) Fifty Dollars ($50.00) for a day license for a vendor who uses a motor vehicle or stand as defined in §341.02.
(6) Twenty-Five Dollars ($25.00) for a day license for a vendor who performs sales on foot as defined in §341.02.

(c) Replacement. A Twenty-Five Dollar ($25.00) fee shall be paid for a duplicate license to replace a license that has been lost or destroyed.

(d) Veterans. Any person, to whom a license has been issued as an honorably discharged veteran under Section 32 of the General Business Law, shall be exempt from the payment of the fees imposed under this section, provided that such person provides proof acceptable to the City Clerk that he or she has been honorably discharged from military service.

(e) Graduates from City Entrepreneurship Program. Any person, to whom a certificate of completion has been issued from the City's Official Entrepreneurship Program, shall be exempt from the payment of the fees imposed under this section for an annual vending or peddling license for one (1) year of his or her operation.

341.10 Official Map of Designated Vending Locations

(a) On or before May 1 of Year 2010, and on or before March 1 of subsequent years, the City Clerk shall prepare, or cause to be prepared in conjunction with other City agencies, a map of designated vending locations in the City. Prior to issuance, the official map shall be reviewed and approved by the City Council.

(b) No later than January 31 of each year, the City Clerk, shall review the Official Map of Designated Vending Locations and report to the City Council on issues that have arisen in the administration of vending in these locations and if necessary recommendations on refinements to the Official map or standard governing vending and/or peddling in the City.

341.11 Licenses and Identification Badges

(a) The license issued to a vendor shall be carried with the vendor at all times when the vendor is engaged in the business of vending and shall be prominently displayed. If the vendor sells food or beverages, the food service permit must also be displayed.

(b) In addition to the license, the City shall issue a photo identification badge to every vendor. Vendors shall display their badges in such a way that the badges may be easily read while doing business. If a badge becomes damaged or obscured, the vendor shall return it to the City and receive another badge.

(c) Licenses, permits, and identification badges shall be used only by the person to whom they were issued and may not be transferred to any other person.

341.12 Restrictions Applicable to all Vendors and Peddlers

(a) All vendors and/or peddlers:
(1) Shall be at least eighteen (18) years of age; and
(2) Shall generally be of good moral character and specifically shall not have been found guilty of any misdemeanor or felony offenses for a period of at least two (2) years prior to the issuance of a vending or peddling license.

(b) Stands. Vendor stands and carts:
(1) Except for any vending stands/carts owned and operated by the "Old Falls Street Manager" that specifically designed and fabricated for use in the designated "Old Falls Street Special Vending District" as specified in Section 341.16, shall not exceed six (6) feet in length, four (4) feet in width, or four and one-half (4½) feet in height, however may include an umbrella or awning that provide a minimum clearance of seven (7) feet and are no greater than eight (8) feet in height;
(2) Shall not impede access to the entrance or driveway of any adjacent building;

(3) Shall not occupy more than half of the available sidewalk width or six (6) feet of the width of such sidewalk; whichever is less.
(4) Shall not include tents or trailers.
(5) Shall be maneuverable by a single individual.

(c) Peddlers shall not:
(1) Conduct business at any one location for longer than twenty (20) minutes at a time.
(2) Stop, stand, or park their vehicle or cart within one hundred (100) feet of any intersection within any other prohibited area, or during prohibited hours.
(3) Impair the flow of normal vehicular or pedestrian traffic by conducting the business of peddling.

(d) Hours of Operation. Vendors and peddlers shall be allowed to engage in the business of vending and peddling only between 8:00 am and Midnight. All stands, signs, and any other equipment used for vending and peddling must be removed from public property during non-operating hours.

(e) Handicapped areas. No vendor or peddler shall conduct business within 50 feet of any handicapped parking space or access ramp.

(f) Removal of trash. All trash or debris accumulating within a 20 foot radius of any vending stand shall be collected by the vendor or peddler and deposited in a trash container. All vendors selling food or beverages must provide trash receptacles adjacent to or as a part of their stands/carts.

(g) Prohibited areas. A license issued pursuant to this chapter is valid only in locations specified on the license that are included on the Official Map of Designated Vendor Locations, as specified under Section 341.10.. The City shall prohibit vendors or peddlers from selling on specified public ways if it determines such prohibitions are necessary for the protection of public health and safety or to advance any specific public policies specified in this ordinance. Vendor stands and motor vehicles are also prohibited within 50 feet of a fire hydrant, fire escape, bus stop, loading zone, or driveway of a fire station, police station, or hospital.

(h) Noise. No vendor or peddler may sound any device which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplified, or similar device to attract public attention.

(i) Motor vehicles. No vendor or peddler selling from a motor vehicle shall:
(1) Stop, stand or park the vehicle within 100 feet of any intersection, within any other prohibited area, or during prohibited hours.
(2) Conduct business in such a way as would increase traffic congestion or delay, constitute a hazard to life or property, interfere with an abutting property owner or obstruct access to emergency vehicles.
(3) Conduct business at one location for longer than twenty (20) minutes, unless they have been licensed to operate at a site-specific vending location.
(4) Conduct any business on any public way in Zoning Districts within Downtown Niagara Falls, specifically the D-1A, D-1B, D-1C, D-1D, D-2, and R-4 Heritage Districts as defined in the Niagara Falls Zoning Ordinance.

(j) Vendors or peddlers shall not display any advertising for any other businesses, services, or locations.

341.13 Suspension or Revocation of License

(a) Any license issued under this ordinance may be suspended by the City Clerk or revoked for any of the following reasons:
(1) Fraud or misrepresentation in the application for the license;
(2) Fraud or misrepresentation in the course of conducting the business of vending or peddling;
(3) Conducting the business of vending or peddling contrary to the conditions of the license;
(4) Conducting the business of vending or peddling in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare;
(5) Conviction of any crime involving moral turpitude committed during the course of engaging in the business of vending or peddling in the City of Niagara Falls;

(6) Cancellation of food service permit by the Niagara County Health Department for violations of the New York State Sanitary Code.

(b) Upon suspension or revocation, the City Clerk shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

341.14 Appeals

Persons who are denied licenses or whose licenses have been suspended or revoked may appeal by filing a written notice of appeal with the City Administrator within 20 days from the date of denial, suspension or revocation.

341.15 Renewals

Licenses may be renewed, provided an application for renewal and license fees are received by the City Clerk no later than the expiration date of the current license. Applications received after that date shall be processed as new applications. The City Clerk shall review each application for renewal to determine that the applicant is in full compliance with the provisions of this ordinance. If the City Clerk finds that the application meets the above requirements, the City Clerk shall issue a new license.

341.16 Old Falls Street Special Vending District

(a) Intent. It is found and declared that:

(1) Old Falls Street between Third Street and Prospect Street has undergone a extensive program of reconstruction and improvements through partnership between the City of Niagara Falls and the State of New York;

(2) Given the public investment in Old Falls Street, the City has entered into an agreement with the State of New York to provide for a centralized operator ("Old Falls Street Manager") to oversee maintenance of the street and to undertake and facilitate events and vending along the street;

(3) Where it will be the responsibility of the Old Falls Street Manager to ensure that vending will be of a sufficient quality and variety to best complement the setting; to supplement vending operations with its own establishments to ensure such quality and mix, and to actively solicit participation by various entrepreneurial and/or first-time groups including students of local culinary and hospitality programs to help meet such goals;

(4) Old Falls Street is specifically designed to host periodic festivals, events, and vending, all of which must be coordinated to ensure fairness and a well-operating street for motor and pedestrian traffic;

(5) Therefore, to ensure that the administration of vending on Old Falls Street serves to further these goals, the following regulations and guidelines shall apply to vendors wishing to vend in this special district.

(b) Boundaries. The Old Falls Street Special Vending District shall be defined as follows:

(1) Beginning at a point formed by the intersection of the centerline of Third Street with northern right-of-way line of Old Falls Street;

(2) Thence westerly along the northern right-of-way line of Old Falls Street for a distance of approximately 1,400 feet to a point formed by the northern right-of-way line of Old Falls Street and the eastern right-of-way line of Prospect Street;

(3) Thence northerly along the eastern right-of-way line of Prospect Street for a distance of approximately 140 feet to a point;

(4) Thence westerly for a distance of approximately 25 feet to a point along the centerline of Prospect Street;

(5) Thence southwesterly and southerly along the centerline of Prospect Street for a distance of approximately 250 feet to a point formed by the intersection of centerline of Prospect Street and the southern right-of-way line of Old Falls Street;

(6) Thence easterly along the southern right-of-way line of Old Falls Street for a distance of approximately 500 feet to a point formed by the intersection of the southern right-of-way line of Old Falls Street and the eastern right-of-way line of Rainbow Boulevard;
(7) Thence southerly along the eastern right-of-way line of Rainbow Boulevard for a distance of approximately 56.75 feet to point formed by the intersection of the eastern right-of-way line of Rainbow Boulevard and the northern property line of a private property designated at time of the writing of this Chapter as Section, Block and Lot Number 158.12-1-16;
(8) Thence easterly along the property line of Section, Block and Lot Number 158.12-1-16 for a distance of approximately 184 feet to a point at the eastern limit of said property line;
(9) Thence northerly along said property line of Section, Block and Lot Number 158.12-1-16 for a distance of approximately 56 feet to a point formed by the intersection of said property line with the southern right-of-way line of Old Falls Street;
(10) Thence easterly along the southern right-of-way line of Old Falls Street for a distance of approximately 790 feet to a point formed by the intersection of the southern right-of-way line of Old Falls Street and the centerline of Third Street;
(11) Thence northerly along the centerline of Third Street for a distance of approximately 99 feet to the point of beginning.

(c) No peddlers. Peddlers will not be permitted to operate in the Old Fall Street Special Vending District.

(d) Hand carts only. Vending operations in the Old Fall Street Special Vending District shall be limited to professionally-fabricated hand/push carts style equipment.

(e) Approval of vendors by Old Falls Manager. For applications to vend in the Old Falls Street Special Vending District:
(1) Once a license application is received by the Office of the City Clerk, the application will be forwarded to the Old Falls Street Manager for review.
(2) The Old Falls Street Manager shall base his/her review on quality of products proposed, proposed methods of the sales program, and coordination with other vendor and permanent retail offerings in the Old Falls Street Special Vending District and the surrounding area. The Old Falls Street Manager shall issue annual guidelines to describe the intent, objectives, and standards for the Special Vending District.
(3) Upon approval by the Old Falls Street Manager, the application shall be forwarded back to the City Clerk for all other required background checks, certifications/approvals, collection of fees, and issuance of the license.
(4) Approved vendors in the Old Falls Street Special Vending District shall be required to sign a certification of their understanding that:
i. They will be required to operate a pre-determined minimum number of hours/periods to ensure continuity of operations in the Old Falls Street Special Vending District; and
ii. Periodically, with advanced notice, that their right to conduct vending may be suspended in conjunction with sanctioned special events that scheduled in the Old Falls Street Special Vending District.
(5) In the event that an application is not approved for location within the Old Falls Street Special Vending District, the applicant shall still be eligible for other established vending locations in the City.

341.90 Penalties

Any person who violates any provision of this ordinance shall be punished by a fine not less than $250 nor more than $500 or by imprisonment not to exceed 15 days or by both fine and imprisonment.

341.99 Severance Clause

The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part.

Council Member Walker moved to table the Resolution

Yeas	1
Walker	
Nays	4
Anderson, Fournier, Grandinetti, Fruscione	

Council Member Fournier moved to Adopt the Resolution

Yeas	4
Anderson, Fournier, Grandinetti, Fruscione	
Nays	1
Walker	

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:42 p.m.

Carol A. Antonucci
City Clerk

April 19, 2010

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

The first session of the April 19,2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of April 5, 2010.

Yeas	5
Nays	0
	APPROVED

Paul Tronolone of USA Niagara gave a presentation on the Micro-Grant Program that the organization is sponsoring with the City to upgrade the Buffalo Avenue area. Council Member Grandinetti asked if the program addressed only building exteriors, and Mr. Tronolone responded that the purpose of the Program was to address code violations, so building interiors would also be included.

In the Administrative Update:

1. City Administrator Donna Owens reported that the Mayor was attending an Urban Leadership Summit in New York City; Hyde Park Lake would be stocked with trout on Tuesday morning; and the ZOOM kickoff would be held on April 30.
2. Economic Development Director Peter Kay reported that he had met with the owner of the West Mall/Comfort Inn property with a list of possible tenants for the property, and the manager of the property had met with the NACC about the possibility of providing artwork for the windows; the website for the Economic Development Department has a list of commercial properties that are available and a loan/grant guidebook and application; funding is available to hold a Fall Entrepreneurial Program; a new NY Main Street Program is available that will provide 50/50 matching grants for Main Street businesses; and there are several smaller projects underway that do not require City funding.
3. Public Works Director David Kinney and Youth Services Director Patricia Travis said that new playground equipment has been ordered for the Gill Creek Park; the neighborhood surrounding Caravelle Drive Park will be surveyed to determine the needs for the playground; and renovations are in progress at Gluck Park. Summer Programs are also being looked into for DeVeaux Park. Mr. Kinney also reported that by 2011, there will be new equipment in all ten of the City's operating Parks.
4. Mr. Kinney also noted that 154 tree stumps have been removed since March 29; when National Grid cuts down trees, the stumps are left behind for the City to remove; and the bid for the removal of additional trees is on the Agenda. Council Member Fournier asked if overtime funds were still available in the Forestry Division, and Mr. Kinney responded that they were. The Council Member asked that employees in the Forestry Division be given the opportunity to work overtime, alongwith the work done by the outside contractor, to address the backlog of work. The Golf Course opened on April 16, and season tickets sales have increased. Council Member Fournier suggested that season golf passes be sold on a year round basis, and especially promoted for sale as Christmas gifts.

5. City Engineer Thomas Radomski said that the next pre-construction meeting for the 10th Street Project will be held on April 22; the design work is in place for the 72nd Street Project, construction should begin early in June, and the project is scheduled to be completed by October; the Buffalo Avenue construction is approximately two years out until the first phase of the Project; and Phase I of the City Hall Restoration Project has begun.

6. Code Enforcement Department Director Dennis Virtuoso said that 29 buildings were cited during the Code Enforcement Blitz on Main Street; the new owner of the Slipko's building is evaluating the property; and there will be a Code Enforcement blitz on the East Side this Saturday.

7. Pat Bradley, Public Relations Director of Niagara Falls Memorial Medical Center, requested that, alongwith the reconstruction of Tenth Street, that the utility lines be placed underground, new street lights be installed, brighter lights be placed on the street in front of the hospital, sidewalks and curbs be replaced, and curbs be installed in front of the Heart Center.

8. Corporation Counsel Craig Johnson reported that there are several residency compliance investigations that are ongoing, and two hearings have been scheduled.

Chairman Fruscione questioned a grant for additional funds for the 2010 NFC budget (Agenda Item #6), and Director of Business Development Fran Iusi responded that the funds were needed to balance the Budget that NFC had already approved.

Council Member Anderson asked for clarification of the terms of sale for the property at 2105 Ferry Avenue (Agenda Item #7), and Corporation Counsel Craig Johnson responded.

Chairman Fruscione asked about the allocation of Casino Funds for the Community Development Department (Agenda Item #11), and Community Development Director Robert Antonucci replied that the funds were needed to pay the administrative costs for demolitions.

Chairman Fruscione inquired how it is determined which entities receive funding from the City (Agenda Item #13), and Youth Bureau Associate Director Patricia Travis explained the process. Mr. Johnson concurred with her explanation.

Chairman Fruscione reconvened the Meeting at 7:05 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:

Ken Hamilton	Agenda Items #28, 29 Questioned process
Nicholas D'Agostino	Items #3,4,11,16,27, Pay raises should be given, sidewalk repairs at 2251 Welch Avenue
Paul Catherine	Repairs at end of 98th Street
Candace Corsaro	Graffiti at Nor-Loc Park, fence needs to be completed, 4-way stop signs
Ron Anderluh	Gill Creek Park update, compliments to DPW
Richard Hoose	Taste of Niagara Event issues
Ken Hamilton	Bus service to Walmart, Veterans Day Parade, Board and Commission Meetings Schedule and Minutes online, Pedophile Residency, National Grid tree stumps
Nicholas D'Agostino	Apology to Mayor, Niagara Street Business Association Fundraiser, Century Club Park

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

The following were RECEIVED AND FILED:

Agenda Item #1
Claims Report for the month of March , 2010.

Agenda Item #2
City Clerk's Report for the Month of March 2010

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: TREE REMOVAL, COVEY TREE, INC.
Agenda Item #3

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

TO: Covey Tree, Inc.
29 N. Main Street
Jamestown, NY 14701
FOR: Removal of Thirty (30) trees on City margins;
including stump removal and ground restoration: $44,010.00

The City Purchasing Agent 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 Thirteen (13) vendors. Six (6) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0449.599.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: BOARDING UP OF BUILDINGS, SANTO CANDELLA CONST. CO., INC.
Agenda Item #4

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

TO: Santo Candella Const. Co., Inc.
118 74th Street
Niagara Falls, NY 14304
FOR: Boarding up of various dilapidated and fire damaged
structures, privately and publicly owned, deemed
hazardous by the Inspections Department and Fire Department.

Price per square foot of sheathing used: $1.69/sq. ft.

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Four (4) vendors. The above referenced company submitted the lowest bid. One other bid was received from Western New York Property Contractors ($3.00/sq. ft.).

Funds for this expenditure are available in the Department of Code Enforcement code: A3620.0000.0449.599.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: STREET MILLINGS, SALE, LAFARGE NORTH AMERICA
Agenda Item #5

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

TO: LaFarge North America
75 Pineview Drive, Suite 100
Amherst, NY 14228
FOR: Sale of Street Millings generated during the 2010
paving season (approx. 40,000 tons): $4.75/ton

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Three (3) bids were received.

The above referenced company submitted the highest price for the street millings. Bids were also received from Modern Landfill, Inc. ($3.25/ton) and Armand Cerrone, Inc. ($.50/ton).

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

Yeas 5
Nays 0
APPROVED

N.F.C. DEVELOPMENT CORP.: ADDITIONAL FUNDING
Agenda Item #6

The 2010 N.F.C. Development Corp. operating budget requires an additional $5,000.00 to meet anticipated expenses. As you recall, NFC is being funded entirely with casino revenues, to free economic development efforts from CDBG regulations. Funds are available from the local share of 2008 casino revenues received by the City in 2009. State Finance Law §99-h funds may be used to accommodate and enhance economic development.

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

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

Yeas 5
Nays 0
APPROVED

CITY PROPERTY: 2105 FERRY AVE., SALE
Agenda Item #7

The City has received an offer from David H. Sault to purchase 2105 Ferry Avenue for $45,000.00. This property was previously sold by the City though the Urban Homesteading Program, and was obtained by the City through mortgage foreclosure. The Planning Board approved the sale of this property on September 17, 2009.

The offer is contingent on the purchaser obtaining an FHA mortgage. The purchaser must also qualify under the HUD Median Income Limits. The sale proceeds will be reduced by closing costs and a "seller concession" in the amount of $2,700.00. The net sale proceeds will be Community Development Department program income.

The property was offered for sale to the public by the Community Development Department, and then listed with Hooper Realty. City Charter §59 requires that real property be sold at public auction to the highest bidder. This public offer does not technically meet that requirement. Approval of the sale requires that Council determine that the best interest of the city shall be subserved by dispensing with a sale at public auction.

Will the Council vote to determine that the best interest of the city shall be subserved by dispensing with a sale at public auction and to approve sale of 2105 Ferry Avenue as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: DEMOLITIONS, CD, VARIOUS PROPERTIES, METRO CONTRACTING & ENVIRONMENTAL, INC.
Agenda Item #8

The following bids were received by the Department of Community Development on April 12, 2010 for the demolition of six (6) structures identified on the attached list.

CONTRACTOR	**BID AMOUNT**
Metro Contracting & Environmental, Inc.	$125,101
National Vacuum Corp.	$127,020
Scott Lawn Yard, Inc. .	$137,222
Niagara Frontier Services	$139,350
Empire Dismantlement Corp.	$159,400
Mark Cerrone, Inc.	$164,800

It is our recommendation that a contract be awarded to the low bidder, Metro Contracting & Environmental, Inc. at their base bid amount of $125,101. Funding is available in budget code CD1.8666.0000.0450.500

Will the Council vote to award contract CD2010-1 to Metro Contracting & Environmental, Inc. and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CODE ENFORCEMENT DEPARTMENT: EXPENSES INCURRED IN REPAIR, DEMOLITION AND BOARDING UP STRUCTURES
Agenda Item #9

RE: DEPARTMENT OF CODE ENFORCEMENT – EXPENSES INCURRED IN REPAIR, DEMOLITION OR BOARD OF STRUCTURES WITHIN THE CITY FROM APRIL 1, 2009 TO MARCH 31, 2010

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

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

A list of all chargeable costs incurred is attached. A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Code Enforcement.

Will the Council so order?

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

Yeas 5
Nays 0
APPROVED

COMMUNITY DEVELOPMENT DEPARTMENT: BUDGET MODIFICATIONS
Agenda Item #10

RE: Budget Modifications
Community Development, HOME and Emergency Shelter Grant Programs

On November 9, 2009, City Council approved the FY' 2010 Consolidated Annual Plan which includes the budgets for the Community Development, HOME, and Emergency Shelter Grant programs. These budgets were based on estimated funding to be received from the federal government.

The City has recently been notified of the actual grants awarded by the U.S. Department of Housing and Urban Development. The CDBG Program was awarded an additional $219,401, the HOME Program was awarded an additional $1,500 and the ESG Program was awarded an additional $977. Therefore, we are proposing the following budget modifications to reflect the revised federal grants:

FEDERAL GRANT	ESTIMATED GRANT	ACTUAL GRANT	INCREASED FUNDING	ACTIVITY TO BE FUNDED
Community Development Block Grant (CDBG	$2,520,000	$2,739,401	$219,401	Demolition
HOME Investment	$640,000	$641,500	$1,500	City
HOME Rehabilitation Partnership Program (HOME)				
Emergency Shelter Grant Program (ESG)	$110,000	$110,977	$977	YMCA

Will Council vote to so approve and authorize the Community Development Director to make the necessary budget adjustments?

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

Yeas 5
Nays 0
APPROVED

COMMUNITY DEVELOPMENT DEPARTMENT: CASINO FUNDS USE
Agenda Item #11

RE: Request for Casino Funding - Department of Community Development

The Department of Community Development's has played an important role in the administration and management of Casino funded projects such as demolition, the Ezekiel Project, Memorial Medical Center Parking Lot, and Family & Children's Service etc. Community Development employees are required by HUD to accurately allocate their time based on funding source.

City Council recently approved the allocation of a substantial amount of Casino revenues to fund demolitions. Therefore, if Community Development employees are to continue their role in this process, along with other Casino funded projects, then it is essential the Council also set-aside Casino revenue to offset department administrative costs . We estimate that approximately $60,000 will be needed to pay for salary and fringe benefit costs for those employees working on Casino projects. The actual costs cannot be determined until the end of the year, once all time allocation reports have been submitted. If the total salary and fringe benefit costs are less than the $60,000 requested, we will return any unexpended funds to the City. Conversely, if the total exceeds $60,000 we will request that Council consider that additional funding be provided.

Additionally, the Section 8 Division of the Department of Community Development has continually struggled to earn enough revenue from federal grants to pay their administrative costs. In 2008 we had to lay- off one employee and we did not fill a vacancy created through retirement, in an effort to decrease costs. We recently opted to have 3 employees dedicate time to manage the HPRP Program to increase revenue. With all of these efforts, we still project that the Section 8 program will have a $32,000 operating shortfall in 2010. Therefore, we respectfully request that Council approve the use of $32,000 in Casino revenues to offset the projected shortfall. Again, any unexpended Casino funds will be returned to the City at year-end.

Will Council vote to so approve the allocation of $92,000 in Casino funds for the Department of Community Development, of which $32,000 will be reserved for the Section 8 Program?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT, YARUSSI CONSTRUCTION INC.
Agenda Item #12

SUBJECT: LETTER OF AWARD FOR DRAINAGE STRUCTURE REPLACEMENT AND REPAIR PROJECT (VARIOUS LOCATIONS)

The following was the result of bids received on April 12, 2010, for the above referenced project:

CONTRACTOR	BASE BID
Yarussi Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$ 73,600.00
Mark Cerrone, Inc.	$ 97,714.00
Sicoli Construction Services	$ 338,700.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Yarussi Construction, at their Base Bid of $73,600.00. Funding is available in Casino Funds Code H0812.2008.0812.0449.599.

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

Yeas	5
Nays	0
	APPROVED

YOUTH BOARD: FUNDING CONTRACTS WITH VARIOUS ENTITIES
Agenda Item #13

RE: Youth Board Funding Agreements

The City's Youth Board enters into funding contracts with various entities. The City is reimbursed for the funding of these agreements by the State of New York.

The proposed agreements for 2010 are as follows:

Potter's House	$2,500
The New Jerusalem Center	$1,787
Niagara Falls Boys & Girls Club	$5,470
St. Francis Center	$1,787

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

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

Yeas 5
Nays 0

APPROVED

2223 PINE AVENUE, PARKING LOT LIGHTING IMPROVEMENTS
Agenda Item #14

RE: Municipal Parking Lot – Pine Avenue and 20th Street

In an effort to make the Pine Avenue Business District more "business friendly", it is recommended that lights be installed at the City-owned parking lot at the corner of Pine Avenue and 20th Street. It is estimated that these improvements will not exceed $20,000. Funding is available from 2009 Casino Spending Plan.

Will the Council so approve?

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

Yeas 4
Anderson, Fournier, Grandinetti, Walker
Nays 0
Abstained
Fruscione

APPROVED

HYDE PARK ICE PAVILION, NYPA ENERGY SERVICES PROGRAM, CHANGE ORDER
Agenda Item #15

RE: New York Energy Services Program at Hyde Park Ice Pavilion

Please recall that at the City Council meeting on February 22, 2010 the Council approved an agreement for the City to participate in the New York Power Authority (NYPA) Energy Services Program. This Program involves NYPA financing the cost of facility upgrades as described in the agreement with a repayment obligation on the part of the City. The total cost of the project, including financing, was originally projected to be approximately $1,361,602.50. That amount is now projected to be $1,440,558.35, for a total increase of $316,103.54 as per the attached Change Order from NYPA. The City's total annual energy savings are still projected to be approximately $86,355.00.

Will the Council approve this Charge Order?

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

Yeas 5
Nays 0

APPROVED

POLICE DEPARTMENT: GRANT FOR COMPUTERS
Agenda Item #16

RE: New York State Grant to Police Department for Computers
Department of State Contract No. TM09762

The Police Department has received a $5,000 grant from the State of New York to purchase five computers.

No City match is required.

Will the Council so approve and authorize the Mayor to execute the agreement and any other documents necessary to effectuate this grant?

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

Yeas 5
Nays 0
APPROVED

PINE AVENUE & 20TH STREET, PARKING LOT LIGHTING IMPROVEMENTS
Agenda Item #17

RE: Municipal Parking Lot – Pine Avenue and 20th Street

In an effort to make the Pine Avenue Business District more "business friendly", it is recommended that lights be installed at the City-owned parking lot at the corner of Pine Avenue and 20th Street. It is estimated that these improvements will not exceed $20,000. Funding is available from 2009 Casino Spending Plan.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

FIRE DEPARTMENT: LADDER TRUCK, PURCHASE OF NEW
Agenda Item #18

RE: New Ladder Truck for Fire Department

The Fire Chief is recommending that the City acquire a new ladder truck for its fleet of fire fighting apparatus. This ladder truck to be acquired is intended to replace an existing ladder truck that is a 1991 model. These trucks have a projected useful life of 20 years and the existing truck will reach that 20 year point in 2011. The cost for this new truck is $685,335. Funding is available from the 2011 Casino Spending Plan.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: 2010 TROLLEY SERVICE
Agenda Item #19

RE: 2010 Trolley Service

It is desirable to reinstitute again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. Attached is a proposed agreement and map showing the trolley route. The total cost is estimated to be $281,111. Funding is available from the Tourism Fund.

Will the Council so Approve?

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

VENDORS, RESOLUTION 2010-27, MAYOR'S APPROVAL
Agenda Item #20

Please be advised that Mayor Paul A. Dyster on April 7, 2010 duly approved Resolution 2010-27 relative to Adopting Chapter 341 of the Codified Ordinances entitled "Vendors" adopted by Council on April 5, 2010.
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

TRAFFIC ADVISORY COMMISSION: 901 – 24TH STREET, ALL WAY STOP SIGNS
Agenda Item #21

At the Traffic Advisory Commission meeting held on April 7, 2010, the Commission:

DENIED:

1) Request submitted by Shawn Licht, Executive Director, Niagara County Headstart, Inc., 901 – 24th Street to **INSTALL ALL WAY "STOP" SIGNS** at the intersection of Independence Avenue and 24th Street. The intersection was studied with the following results: right angle/turning collision accidents: 2006/0, 2007/0, 2008/0, 2009/1, 2010/0 thru 3/31/10. Traffic volume per hour: 24th Street = 125 vehicles + 17 pedestrians, Independence Avenue = 84 vehicles + 9 pedestrians (Total = 235 per hour). This intersection falls far short of the MUTCD Minimum Warrants for the placement of "ALL WAY" stop signs. Therefore the Commission denied this request.
THIS ITEM WAS RECEIVED AND FILED

TRAFFIC ADVISORY COMMISSION: 901 24th STREET, CHILDREN CROSSING SIGNS
Agenda Item #22

At the Traffic Advisory Commission meeting held on April 7, 2010 the Commission recommended **APPROVAL** of the following item:

INSTALL "CHILDREN CROSSING SIGNS" ON 24TH STREET IN EACH DIRECTION IN ADVANCE OF 901 – 24TH STREET AND STRIPE A CROSSWALK AT THE INTERSECTION ON INDEPENDENCE AVENUE AND 24TH STREET ON THE NORTH SIDE FOR CROSSING 24TH STREET

Submitted By: Shawn Licht, Executive Director, Niagara County Headstart, Inc., 901 – 24th Street

It is requested that City Council approve this recommendation

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

Yeas	5
Nays	0

APPROVED

TRAFFIC ADVISORY COMMISSION: 3038 MONROE AVENUE, HANDICAPPED ACCESS SPACE
Agenda Item #23

At the Traffic Advisory Commission meeting held on April 7, 2010 the Commission recommended **APPROVAL** of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 3038 MONROE AVENUE

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

Submitted By: Michael Lamanna, 3038 Monroe Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

TRAFFIC ADVISORY COMMISSION: 3050 ORLEANS AVENUE, HANDICAPPED ACCESS SPACE
Agenda Item #24

At the Traffic Advisory Commission meeting held on April 7, 2010 the Commission recommended **APPROVAL** of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 3050 ORLEANS AVENUE

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

Submitted By: Angela Bray, 3050 Orleans Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

TRAFFIC ADVISORY COMMISSION: VANDERBILT/MCKOON AVENUES, LOADING ZONE
Agenda Item #25

At the Traffic Advisory Commission meeting held on April 7, 2010 the Commission recommended **APPROVAL** of the following item:

INSTALL A 50' LOADING ZONE (6A.M. – 6P.M.) VANDERBILT AVENUE, NORTH SIDE, JUST EAST OF MCKOON AVENUE (ALONGSIDE OF 4001 MCKOON AVENUE)
Request was made to facilitate pickup/drop off of children at daycare on Vanderbilt Avenue.

Submitted By: Janice Mistretta, Heart of a Child Daycare, 4001 McKoon Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

TRAFFIC ADVISORY COMMISSION: 3411 9TH STREET. HANDICAPPED ACCESS SPACE
Agenda Item #26

At the Traffic Advisory Commission meeting held on April 7, 2010 the Commission recommended **APPROVAL** of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 3411 – 9TH STREET

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

Submitted By: Mildred Skipper, 3411 – 9th Street

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: BUFFALO AVENUE, ROAD REPAIRS, #2010-28
Agenda Item #27

RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS, AND APPROPRIATING FUNDS FOR THE PAVEMENT RESURFACING, MILL AND OVERLAY, OF BUFFALO AVENUE FROM VETERANS DRIVE TO 24TH STREET, CAYUGA DRIVE FROM TUSCARORA ROAD TO MILITARY ROAD AND PACKARD ROAD FROM NIAGARA FALLS BOULEVARD TO HYDE PARK BOULEVARD, IN THE CITY OF NIAGARA FALLS, NIAGARA COUNTY, PIN 5758.91

By: Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, a Project for Pavement Resurfacing, Mill and Overlay, of Buffalo Avenue from Veterans Drive to 24th Street, Cayuga Drive from Tuscarora Road to Military Road and Packard Road from Niagara Falls Boulevard to Hyde Park Boulevard, in the City of Niagara Falls, Niagara County, PIN 5758.91, (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 Construction & Construction Inspection phase of the project PIN 5758.91 .

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

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

RESOLVED, that the City 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 Construction & Construction Inspection phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of $ 221,000 is hereby appropriated from Casino Revenue and made available to cover the cost of participation in the above phase 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 Construction & Construction Inspection phase exceeds the amount appropriated, $ 221,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds $ 1,103,000 , the City of Niagara Falls shall convene its City 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 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 therefore that are not so eligible; and it is further

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

RESOLVED, this Resolution shall take effect immediately.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: DEPARTMENT OF PLANNING, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL SERVICES, PUBLIC HEARING, #2010-29
Agenda Item #28

RELATIVE TO CALLING FOR A PUBLIC HEARING TO AMEND THE CITY CHARTER RELATIVE TO AMENDING SECTION 503 OF ARTICLE XVIII ENTITLED "DEPARTMENT OF PLANNING, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL SERVICES"

BY: Council Chairman Samuel Fruscione
Council Member Kristen Grandinetti

RESOLVED, that Local Law No. ____ for the year 2010 be introduced, and that a public hearing be held on such Local Law on the 3rd day of May, 2010 at 7:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending Article XVIII Section 503 of the City Charter, entitled A Department of Planning, Economic Development and Environmental Services@ relative to providing compensation for members of the Planning Board

Yeas 5
Nays 0
ADOPTED

RESOLUTION: BOARD OF APPEALS, PUBLIC HEARING, #2010-30
Agenda Item #29

RELATIVE TO CALLING FOR A PUBLIC HEARING TO AMEND THE CITY CHARTER RELATIVE TO AMENDING SECTION 350 OF ARTICLE XV ENTITLED "BOARD OF APPEALS, JURISDICTION AS TO CERTAIN ZONING MATTERS AND THE OFFICIAL CITY MAP"
BY: Council Chairman Samuel Fruscione
Council Member Kristen Grandinetti

RESOLVED, that Local Law No. ____ for the year 2010 be introduced, and that a public hearing be held on such Local Law on the 3rd day of May, 2010 at 7:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending Article XV Section 350 of the City Charter, entitled A Board of Appeals, Jurisdiction as to certain Zoning Matters and the Official City Map@ relative to providing compensation for members of the Board of Appeals.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: RECONSTRUCTION OF ROADS, ISSUANCE OF BONDS, #2010-31
Agenda Item #30

BOND RESOLUTION DATED APRIL 19, 2010.

RELATIVE TO AUTHORIZING THE ISSUANCE OF AN ADDITIONAL $2,125,000 BONDS OF THE CITY OF NIAGARA FALLS, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE RECONSTRUCTION OF ROADS, IN AND FOR SAID CITY.
BY: Council Member Charles Walker

BE IT ENACTED, 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 part of the cost of the reconstruction of roads, in and for the City of Niagara Falls, Niagara County, New York, including 72nd Street and 10th Street, as well as sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights-of-way, as well as other incidental improvements and expenses in connection therewith, there are hereby authorized to be issued an additional $2,125,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of such class of objects or purposes is now determined to be $5,135,000, and the plan for the financing thereof is as follows:

(a) By the issuance of the $3,010,000 bonds of said City, heretofore authorized to be issued therefor pursuant to a bond resolution dated July 27, 2009; and

(b) By the issuance of the additional $2,125,000 bonds of said City herein authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) 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 bonds 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 bonds 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 bonds 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 bonds herein authorized, including renewals of such notes, is hereby delegated to the City Controller, the chief fiscal officer. 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.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci
City Clerk

May 3, 2010

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

The first session of the May 3, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Walker moved to approve the Minutes from the City Council Meeting of April 19, 2010.

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

Yeas	5
Nays	0
	APPROVED

Jerry Wolfgang gave a presentation on the Parade to commemorate the 125th Anniversary of the Niagara Falls State Park, and requested the City's financial support for the Parade.

In the Administrative Update:

1. Economic Development Director Peter Kay said that the Culinary Institute Project involves multiple entities, and at the present time, there is an issue with Cordish over the appraisal for the Rainbow Mall property. The Council Members emphasized that they want the project to go forward in the downtown area, and, rather than hold up the project, another site should be selected.
2. The President of the Main Street Business Association spoke on the many positive improvements on Main Street, including the Rapids Theater, the HANCI building, and the Family & Children's Service Project. A new business owner on the street talked about her business. A discussion followed on the importance of the train station project moving forward to benefit the area.

City Administrator Donna Owens reported that:

3. Playground equipment will be installed at Stephenson Park, and the City will maintain the park. Council Member Anderson expressed concerns about the area being used as a dog park, and also asked that yellow caution paint be used on the streets surrounding the park and a higher fence be installed behind the basketball court at the park.
4. Plumbing issues at the LaSalle Waterfront Park had been addressed, and the park will open on May 9.
5. Graffiti at the Parking Ramp has been covered, the area has been disinfected and parking signs have been installed.
6. The Pothole Killer and Zipper Machine are in use, and their schedule was reported. Also, Deputy Director of Public Works John Caso added that the crack sealer machine is also being used, and Mayor Paul Dyster added that a schedule on that machine will be given to the Council Members.
7. An update on the LaSalle Waterfront Park will be given at the next Council Meeting.
8. The Lewiston Road Project is moving along, and the draining and water systems are being installed.
9. The Eleventh Street Basketball Court Project will be put out for bid on May 15.

Council Member Fournier asked if the Ice Rink Project has begun yet, and

City Engineer Thomas Radomski replied that it has not.

Chairman Fruscione asked about the request that utility lines be placed underground as part of the 10th Street Project, and Mr. Radomski informed him that costs and options for doing so are being looked at.

Superintendent of Police John Chella spoke about the installation of security cameras in City Hall through a Homeland Security Grant.

Mr. Radomski also reported that the work is progressing on the front steps of City Hall, and Phase I should be finished in October.

Mayor Dyster spoke on funding for the train station project and transportation issues.

Chairman Fruscione asked the Mayor about payment of an overdue invoice from Baldassara collision, and re-painting the lines for parking on Third Street.

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

1. A communication relative to approval of a contribution of $20,000 for the 125th Anniversary of the Niagara Reservation State Park Parade.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #22.

2. A communication relative to the use of the City's bandstand and two golf carts for the Relay for Life.

Council member Fournier moved to add the communication to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #23.

Council Member Walker noted that Agenda Item #8 referred to the Gospel Festival being held at the NACC, when it is actually being held at Schoellkopf Park, and made a motion to amend the communication.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

Council Member Anderson expressed his concern about safety issues with boating being permitted in Hyde Park Lake (Agenda Item #19). Mr. Johnson responded that rules will be posted for boaters.

This Session ended at 5:15 PM

Chairman Fruscione reconvened the Meeting at 7:08 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.

Chairman Fruscione announced a Special Order of Business, a Public Hearing relative to amending Article XVIII of Section 503 of the City Charter entitled "Department Of Planning, Economic Development And Environmental Services" relative to providing compensation for members of the Planning Board, and asked if there were any speakers relative thereto.

There were no Speakers.

Chairman Fruscione announced another Special Order of Business, a Public Hearing relative to amending Article XV of Section 350 of the City Charter entitled "Board of Appeals, Jurisidiction as to Certain Zoning and Matters in the Official City Map", relative to providing compensation for members of the Board of Appeals, and asked if there were any speakers relative thereto.

There were no Speakers.

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

Kathie Kudela & Trudy Christman	Agenda Item #19, support
Ken Hamilton	Agenda Items #5,6,7,8,9 questioned level of funding Agenda Item #19, liability issues
Earl Robinson	New Vending Ordinance complaints
Charles Knoll	Thanks to Dave Kinney in Regards to Buffalo Avenue issues; requested that the Mayor allow volunteer groups to clean up the Parking Ramp; directional signs for local attractions are needed
April Jones	Number of sex offenders living in the City
Ken Hamilton	ground breaking for Veterans Memorial on May 29

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CONSULTANT SERVICES, HYDE PARK ICE COMPLEX PROJECT, DIDONATO ASSOCIATES, CHANGE ORDER
Agenda Item #1

A contract for the above referenced consultant services agreement was awarded to DiDonato Associates in the amount of $294,822.00

Subsequent to the start of construction, the Engineering Department requests to enter into an agreement with DiDonato and Associates for full-time inspection services in an amount not to exceed $85,000.00. Included in this amount is coordination and reimbursement of special inspections.

Funding for this change order is available in Code H0819.2008.0819.0451.000.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: LANDSCAPING & MAINTENANCE OF MEDIANS AND TRAFFIC CIRCLE,
BEAU ENTERPRISES, INC.
Agenda Item #2

THIS ITEM WAS PULLED FROM THE AGENDA AND NO ACTION TAKEN

CONTRACT: FIREWORKS DISPLAYS, SKYLIGHTERS OF WESTERN NEW YORK, INC.
Agenda Item #3

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

TO: Skylighters of Western New York, Inc.
3362 Baker Road
Orchard Park, NY 14127
FOR: Fireworks displays on July 4th at Hyde Park: $25,000.00

Requests for proposals were sent to four (4) companies. The above referenced company provided our July 4th fireworks display last year. Proposals were also received from Zambelli Fireworks and Bay Fireworks.

Funds are available in the Tourism Fund account code 6410.0000.0449.599.

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

Yeas 5
Nays 0
APPROVED

PURCHASE: TRAFFIC MARKING PAINT, THE SHERWIN WILLIAMS CO.
Agenda Item #4

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

TO: The Sherwin Williams Co.
7895 Niagara Falls Boulevard
Niagara Falls, NY 14304
FOR: Traffic Marking Paint:
White: $39.45/pail
Yellow: $38.75/pail

The City Purchasing Agent 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) vendors. Three (3) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in budget code A3310.0000.0419.008.

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

Yeas 5
Nays 0
APPROVED

INTERNATIONAL FESTIVAL: FUNDING
Agenda Item #5

The International Festival will be held once again this year on August 21, 2010 and August 22, 2010. The Festival is being sponsored by the Niagara Street Business Association. The City has been asked to contribute the sum of $1,000 toward the cost of this Festival. Funding is available from the Tourism Fund balance.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

AFRICAN-AMERICAN FESTIVAL: FUNDING
Agenda Item #6

The African-American Festival will be held once again this year on either July 24, 2010 or July 31, 2010. The City has been asked to contribute the sum of $1,000.00 toward the cost of this event. Funding is available from the Tourism Fund balance.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

ITALIAN FESTIVAL: FUNDING
Agenda Item #7

The Italian Festival will be held once again this year on July 31, 2010 and August 1, 2010. This Festival is being sponsored by the Pine Avenue Business Association. The City has been asked to contribute the sum of $1,000 toward the cost of this Festival. Funding is available from the Tourism Fund balance.

Will the Council so approve?

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

Yeas	4
Nays	0
Abstain	1
Fruscione	
	APPROVED

GOSPEL FESTIVAL: FUNDING
Agenda Item #8

The Gospel Festival will be held once again this year at the Schollkopf Park on July 17, 2010. The City has been asked to contribute the sum of $1,000 for the expense of this Festival. Funding is available from the Tourism Fund balance.

Will the Council so approve?

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

Yeas	4
Nays	0
Abstain	1
Walker	
	APPROVED

ARTS IN THE PARK: FUNDING
Agenda Item #9

Arts in the Park will be held once again this year on July 25, 2010. This event is being sponsored by the NACC and Niagara Falls Memorial Hospital. The City has been asked to contribute the sum of $2,000 toward the cost of this event. Funding is available from the Tourism Fund balance.

Will the Council so approve?

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

Yeas	4
Nays	0
Abstain	
Walker	1

APPROVED

MICROGRANT PROGRAM INITIATIVE: FUNDING
Agenda Item #10

As per the presentation to the City Council on April 19, 2010 by representatives of USA Niagara Development Corporation, it is in the City's best interest to participate in the Microgrant Program Initiative. The City's contribution in this Program is $50,000. Funding is available from Special Projects Fund balance. Attached hereto is a copy of the Funding Agreement.

Will the Council authorize the City to contribute $50,000 to this initiative and authorize the Mayor to execute the same?

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: DEBO, LAWRENCE J.
Agenda Item #11

RE: Request for Approval to Settle and Pay Claim of Lawrence J. Debo 705 Gardenwood, Lockport, New York

Date Claim Filed:	October 16, 2009
Date Action Commenced:	N/A
Date of Occurrence:	October 13, 2009
Location:	Pine Avenue and Main Street
Nature of Claim:	Damage to automobile due to failure to mark hazard during paving project.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$232.21
Make Check Payable to:	Lawrence J. Debo
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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: COLANGELO, GREGORY
Agenda Item #12

RE: Request for Approval to Settle and Pay Claim of Gregory Colangelo 793 VanRensselaer Avenue, Niagara Falls, New York

Date Claim Filed:	August 28, 2008
Date Action Commenced:	N/A
Date of Occurrence:	July 4, 2008
Location:	Niagara Falls Golf Course
Nature of Claim:	Damage to vehicle resulting from accident with City vehicle.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interest of City to pay claim.
Amount to be Paid:	$655.70
Make Check Payable to:	Gregory Colangelo
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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: CASSANO, ROSEMARY
Agenda Item #13

RE: Approval to pay medical expenses of Rosemary Cassano in the amount of $1,604.52

The above claimant has incurred medical expenses for personal injuries suffered by her when, while a pedestrian, she was struck by a police vehicle owned by the City of Niagara Falls, New York. The driver of the police vehicle was Officer Matthew Szczepaniec.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. Additionally, claimant had to pay $30,00 out of pocket for a wrist splint and hand exerciser prescribed by her physician. This amount must be reimbursed pursuant to said No-Fault Law. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following checks:

Provider	Date of Service	Amount
Niagara Falls Memorial Medical Center	10/16/09 - 10/17/09	$ 608.27
	10/19/09	$ 400.00
Niagara Radiologists	10/16/09	$ 21.62
FDR Medical Services, PC	10/16/09	$ 161.71
	10/19/09	$ 215.00
Niagara Orthopaedic	12/17/09	$ 35.00
	01/07/10	$ 47.54
	01/28/10	$ 85.38
Rosemary Cassano	01/07/10	$ 30.00
Total Amount		$1,604.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CLAIM: WARE, ROBERT
Agenda Item #14

RE: Request for Approval to Settle and Pay Liberty Mutual Insurance Company a/s/o Robert Ware 2950 Expressway Drive S, Suite 100, Islandia, NY 11722

Date Claim Filed:	March 11, 2008
Date Action Commenced:	June 9, 2008
Date of Occurrence:	January 24, 2008
Location:	520 Hyde Park Boulevard, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	James Galie
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$759.92
Make Check Payable to:	Liberty Mutual Insurance Company a/s/o Robert Ware
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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: MUNICIPAL CIVIL SERVICE COMMISSION, RE-APPOINTMENT, 2010-32
Agenda Item #15

RELATIVE TO RE-APPOINTMENT TO THE MUNICIPAL CIVIL SERVICE COMMISSION

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

BE IT RESOLVED, that the following individual is hereby reappointed to the Municipal Civil Service Commission for the expiration date of which appears opposite her name:

RE-APPOINTMENT	TERM EXPIRES:
Ms. Josephine A. Tavano 953 Lafayette Avenue Niagara Falls, NY 14305 282-5608	5/31/16

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NICOLE BASS, BY THE ABUNDANT LIFE DELIVERANCE TEMPLE, HONORING, 2010-33
Agenda Item #16

RELATIVE TO HONORING NICOLE BASS, BY THE ABUNDANT LIFE DELIVERANCE TEMPLE

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, on Saturday, May 8th, 2010, the Abundant Life Deliverance Temple will honor Nicole Bass for her volunteer services to the community; and

WHEREAS, Nicole spearheads the "Lets Talk" teen girls program for the Niagara Falls Housing Authority. She also teaches etiquette and is an avid volunteer for her church as well as the community.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, congratulates Ms. Nicole Bass for her generosity and dedication to the community of Niagara, making it a better place to live.

Yeas	5
Nays	0
	ADOPTED

May 3, 2010

RESOLUTION: FAMILY AND CHILDREN'S SERVICES OF NIAGARA, INC., DEDICATION, 2010-34
Agenda Item #17

RELATIVE TO THE DEDICATION OF FAMILY AND CHILDREN'S SERVICES OF NIAGARA, INC.

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, on Thursday, May 13, 2010, Family and Children's Service of Niagara will hold dedication services of their "One Stop Family Center"; and

WHEREAS, Family and Children's Service of Niagara is a private, non-profit family service agency which has been at work in the Niagara Community since 1895, providing strength, support and assistance to individuals and families in need; and

WHEREAS, in May of 2008, Family and Children's Service launched their capital project to consolidate their five Niagara Falls locations into this new facility on Main Street in the heart of Niagara Falls. With the completion of this project, their services will truly be available under one roof in their new "One Stop Family Center which will provide for the needs of the entire family; and

WHEREAS, it will bring together staff members under one roof, will improve access and eliminate stress for individuals seeking service, will be handicapped accessible and will provide space for group services. This will lead to new and improved service collaborations. The Center will be energy and technologically efficient and eliminate the duplication of operational costs and will provide new investment in community services across the county from operational savings.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, congratulates Family and Children's Service of Niagara with the dedication of their new "One Stop Family Center" which will become an anchor in the redevelopment of Main Street in Niagara Falls, New York.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: BOARD OF ASSESSMENT REVIEW, APPOINTMENT, 2010-35
Agenda Item #18

RELATIVE TO APPOINTMENT TO THE NIAGARA FALLS BOARD OF ASSESSMENT REVIEW

BY: Council Chair Samuel Fruscione

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Board of Assessment Review effective immediately for the expiration date, which appears opposite his/her name, to fill the unexpired term of Millard Smallwood who has since resigned.

APPOINTMENT	**TERM EXPIRES:**
Theresa Costanzo 1223 Norwood Avenue Niagara Falls, NY 14305	9/30/2013

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PARKS, ORDINANCE AMENDMENT, 2010-36
Agenda Item #19

RELATIVE TO AMENDING CHAPTER 923 OF THE CODIFIED ORDINANCES ENTITLED "PARKS"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 923 of the Codified Ordinances entitled "Parks" is hereby amended by amending Section 923.03 to read as follows:

923.03 RECREATIONAL REGULATIONS.

The following provisions shall apply within any parks in the City to aviation, bathing, boating, coasting, games, picnics, horses, meetings, exhibitions, parades, skating and sledding:

. . .

(c) Boating. Boating is permitted in Hyde Park Lake. Such boating shall be limited to recreational rowboats, canoes and kayaks provided such rowboats, canoes and kayaks are not powered by gasoline driven motors or engines. Fishing boats powered by electric motors are also permitted. With respect to all other park waters in the City, with the exception of [Excepting] holders of boating privileges, no person shall place or operate or have for hire any boat, canoe or raft, in any park waters in the City, without the written permit of the Director of Parks. All boats used under the permit or boating privileges shall be plainly marked as to their capacity, and no person shall exceed the maximum marked capacity. This subsection shall not apply to bodies of water bordering on parks or to toy boats used by children.

. . .

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

Yeas 5
Nays 0
ADOPTED

LOCAL LAW: DEPARTMENT OF PLANNING, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL SERVICES, COMPENSATION FOR PLANNING BOARD MEMBERS, 2010-1
Agenda Item #20

A Local Law to amend the Niagara Falls City Charter as amended, by amending Section 503 of Article XVIII of the Charter, entitled ADepartment of Planning, Economic Development and Environmental Services@.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The Niagara Falls City Charter, as amended, is hereby amended by amending Section 503 to read as follows:

Section 503. PLANNING BOARD, APPOINTMENT OF. There shall be appointed by the City Council nine (9) members of a Planning Board, who shall **[serve without compensation] <u>be compensated at the rate set by Resolution of the City Council from time to time</u>**. Of the members of the Planning Board appointed under the provisions hereof, the appointment of as nearly as possible of one-third of the members of the Board shall be for a term of one year, one-third for a term of two years and one-third for a term of three years. At the expiration of such terms, the terms of office of their successors shall be three years, so that the term of office of one-third of such members of such Board, as nearly as possible, shall expire each year. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term.

Section 2. This Local Law shall take effect as provided in the Municipal Home Rule Law.

<u>Underlining</u> and **<u>Bold</u>** indicate additions.
Bold and **[Brackets]** indicate deletions.

Yeas	5
Nays	0
	ADOPTED

LOCAL LAW: BOARD OF APPEALS, COMPENSATION FOR BOARD MEMBERS, 2010-2
Agenda Item #21

NIAGARA FALLS LOCAL LAW NO. __2__ FOR THE YEAR 2010

A Local Law to amend the Niagara Falls City Charter as amended, by amending Section 350 of Article XV of the Charter, entitled ABoard of Appeals, Jurisdiction as to certain Zoning Matters and the Official City Map@.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The Niagara Falls City Charter, as amended, is hereby amended by amending Section 350 to read as follows:

Section 350. Board of Appeals, appointment of: There shall be appointed by the City Council seven members of a Board of Appeals, who shall **[serve without compensation] <u>be compensated at the rate set by Resolution of the City Council from time to time</u>**. The present six members of the Board of Appeals shall continue to serve for the respective terms for which they were appointed, and their successors shall continue to be appointed for a term to expire December 31, 1991 and his successor shall thereafter be appointed for a term of three years. The Board of Appeals shall annually select a chairman from its own members and shall appoint a secretary whose compensation, if any, shall be fixed by the City Council. The Board shall hold meetings on regular dates to be fixed by the Board or at the call of its chairman.

Section 2. This Local Law shall take effect as provided in the Municipal Home Rule Law.

<u>Underlining</u> and **<u>Bold</u>** indicate additions.
Bold and **[Brackets]** indicate deletions.

Yeas	5
Nays	0
	ADOPTED

NIAGARA RESERVATION STATE PARK: FUNDING FOR PARADE
Agenda Item #22

The City has been asked by the New York State Parks to co-sponsor a parade commemorating the 125th anniversary of the Niagara Reservation State Park. The parade is scheduled to be held on July 17, 2010. Attached hereto is a copy of correspondence from volunteer Jerry Wolfgang together with a proposed budget for the parade. The City has been asked to contribute the sum of $20,000 to the cost of this parade. Funds will be disbursed pursuant to the terms of a funding agreement to be prepared by the Corporation Counsel. Funding is available from Casino Interest.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

RELAY FOR LIFE, CO-SPONSOR
Agenda Item #23

The City has been asked to be a co-sponsor of the American Cancer Society's Relay for Life to be held on Friday, May 14, 2010 from 3:00 p.m. to 10:00 p.m. at Sal Maglie Stadium. As a co-sponsor, the City has been asked to contribute its bandstand for this event together with two golf carts. The co-sponsorship arrangement is described in the attached Agreement.

Will the Council authorize the City to contribute its bandstand and two golf carts without cost to be used for the Relay of Life and authorize the Mayor to execute the attached Agreement?

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

Yeas	5
Nays	0
	APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:40 p.m.

Carol A. Antonucci
City Clerk

May 17, 2010

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

The first session of the May 17, 2010 Niagara Falls City Council Meeting was called to order by Council Member Steve Fournier at 4:08 p.m. in the Council Chambers.

Present: Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker
Absent: Council Chairman Samuel Fruscione
Also present: Mayor Paul A. Dyster, 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 May 3, 2010.

Yeas	4
Nays	0
	APPROVED

In the absence of Chairman Fruscione, Council Member Fournier called the Meeting to order.

Tom Vitello, the Council representative on the Water Board, gave an update on his work with the Board. He said that he was not in favor of keeping the retired Director on as the Interim Director; he had a meeting scheduled with the new Director; he has expressed his concern to the Board about the number of broken water hydrants in the City; he encouraged the Water Board to work with the City to coordinate paving jobs with water/sewer repair jobs; the delinquent water bill for the Apple Walk Project had been resolved; and he suggested more shared services between the City and Water Board.

Frank Croisdale of Niagara Rises spoke on the Homecoming Event scheduled for the last weekend in June, and requested funding from the City for the Event.

In the Administrative Update, Mayor Paul Dyster reported that:
1. City Administrator Donna Owens was ill and unable to attend the Council Meeting.
2. The Old Falls Street Project will be completed this week.
3. He thanked those who were involved in the Relay for Life.
4. He spoke on President Obama's visit to the area, and thanked Council Member Grandinetti for representing the City along the route of the President's motorcade.
5. He thanked the Departments who were involved in cleaning up in response to the wind storm last weekend.
6. Senior Planner Thomas DeSantis reported that the Train Station Project involves three Phases, each of which can be a stand alone Project; a Consultant for the Harriet Tubman Interpretive Center should be hired by July 1st; there is no specific plan for Griffon Park at this time; and the boat docks have been repaired.
7. Director of Public Works David Kinney gave the Council Members a schedule for the Street Sealer Machine, and said that some of his crew starts work at 6 AM; and over 400 calls were received during the windstorm last weekend with the clean up costs amounting to just under $9,000.

8. City Engineer Thomas Radomski reported that the extra costs associated with underground utility lines in the area of Tenth Street would be between $300,000 and $500,000; and repair work on 72nd Street should begin within a month.

9. Fire Chief William MacKay noted his appreciation for the kind words he had received since his announcement that he would be leaving to accept another position in Virginia; and, he also said that many of the fire hydrants in the City are not suitable for use by the Fire Department, and they are not marked as out of service.

10. The Mayor said that community meetings have been held for input on the LaSalle Waterfront Park, a "green" fence had been installed at the Park as well as other green features; and Phase I of the Project is fully funded and ready to go this season.

11. MIS Director John Cahill said that the replacement plan for computers is a 5 year plan, and the system is backed up every night.

Corporation Counsel Craig Johnson noted that Agenda Item #22 relative to additional vending locations should refer to 4 additional locations, not 3, and asked that the Resolution be amended.

Council Member Grandinetti moved to amend the Resolution.

Yeas 4
Nays 0

MOTION TO AMEND APPROVED

Mr. Johnson distributed copies of a communication relative to the reclassification of a position in the Law Department and asked that the communication be added to the Agenda.

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

Yeas 4
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #24.

This Session ended at 5:40 PM

Chairman Fruscione reconvened the Meeting at 7:12 p.m. in the Council Chambers with all Council Members present. The Chairman said the prayer & 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	Large number of non working fire hydrants; requested 4 surveillance cameras for Niagara Street Business District
Madelyn Manganiello	LaSalle Pride accomplishments
Kevin McDougald	Books for children; help for Disabled Veterans and abused women with children
Socorrinha D'Costa	Pine Avenue Business District issues
Chandra Bambah	High taxes in City

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CITY CLERK

Agenda Item #1

Claims Report for the month of April 2010.
This item was received and filed

Agenda Item #2

City Clerk's Report for the Month of April 2010.
This item was received and filed

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SIDEWALK REPLACEMENTS, VENTRY CONCRETE CONSTRUCTION INC.

Agenda Item #3

The following is the result of bids received on May 3, 2010, for the above referenced project:

CONTRACTOR	**BASE BID**
Ventry Concrete Construction, Inc. 1890 Pierce Ave. Niagara Falls NY 14301	$200,000.00
Valeri Concrete Construction, Inc.	$203,000.00
Master's Edge, Inc.	$221,125.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Ventry Concrete Construction, Inc. in the amount of $200,000.00. Funds are available under Public Works Code A5110.0200.0300.000, and all costs are totally reimbursable by New York State CHIPS Funds.

Additionally, the Contractor has agreed to extend the unit prices of his bid to complete sidewalk replacements for the Niagara Falls Water Authority, in the amount of $20,000.00, under the Niagara Falls Water Board budget, pending authorization by the Niagara Falls Water Board Meeting this month. Therefore, the City Of Niagara Falls and the Niagara Falls Water Board will enter into a contract with Ventry Concrete Construction, Inc., to total $220,000.00

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

Yeas 5
Nays 0
APPROVED

CONTRACT: LASALLE LIBRARY, INSTALLATION OF AIR CONDITIONING, GREATER NIAGARA MECHANICAL, CHANGE ORDER

Agenda Item #4

A contract for the above referenced project was awarded to Greater Niagara Mechanical, Incorporated, 7311 Ward Road, North Tonawanda N.Y., on August 14, 2009 in an amount of $86,800.00.

During the course of work the City directed the contractor to provide additional services and to include an alternate product. The additional service was for sewer inspection to insure the existing sewer was in proper working order before placement of the Condensing Unit's concrete pad. The alternate product was an electrical "Line Hide" feature which allows us to meet the requirements of SHIPO regarding their funding of the project.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $1,050 be approved. Sufficient funds presently exist in Code H0904.2004.0904.0443.000

Will the Council vote to so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: LASALLE LIBRARY, INSTALLATION OF AIR CONDITIONING, CONSULTANT SERVICES AGREEMENT, WATTS ARCHITECTURE & ENGINEERING, CHANGE ORDER

Agenda Item #5

A contract for the above referenced project design was awarded to Watts Architecture & Engineering, P.C. 95 Perry St. Buffalo NY 14203., on September 21, 2009 in the amount of $12,800.00.

During the course of work, the City directed Watts to provide design support for an alternate product that allowed achievement of SHIPO requirements, design cooling for two additional rooms not originally anticipated and period construction inspection services.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $4,290.00 be approved. Sufficient funds presently exist in Code H0904.2004.0904.0443.000.

Will the Council vote to so approve?

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

Yeas 5

Nays 0

APPROVED

CONTRACT: LANDSCAPING & MAINTENANCE OF MEDIANS AND TRAFFIC CIRCLE, A-1 LANDCARE, INC.

Agenda Item #6

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

TO: A-1 Landcare, Inc.
1527 Ridge Road
Lewiston, NY 14092

FOR: Landscaping and maintenance of the medians along: $93,346.00
Niagara Street, John B. Daly Boulevard, Rainbow Boulevard and the traffic circle, including Alternate 1 thru 4:

The City Purchasing Agent 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) vendors. Six (6) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in the Capital budget code: H0912.2009.0449.599.

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

Yeas 5

Nays 0

APPROVED

CONTRACT: POLICE MOBILE COMMAND CENTER, DODGEN INDUSTRIES, INC.

Agenda Item #7

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

TO: Dodgen Industries, Inc.
1505 13th Street
Humboldt, IA 50548
FOR: Police Mobile Command Center $183,785.00

The City Purchasing Agent 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) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Nomad GCS ($189,946.00), Snowfighting Equipment & Consultants of Buffalo, Inc. ($194,370.00) and Charino's Custom Rides ($204,865.00).

Funds for this expenditure are available in Grant Code: S3120.2816.0230.000.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: 72ND STREET, REPAVING & WATER MAIN REPLACEMENT, ACCADIA SITE CONTRACTING, INC.

Agenda Item #8

The following was the result of bids received on May 10, 2010, for the above referenced project:

CONTRACTOR	**BASE BID**
Accadia Site Contracting, Inc. 5636 Transit Road Depew NY 14043	$ 2,564,587.50
Yarussi Construction Inc.	$ 2,669,360.00
Mark Cerrone, Inc.	$ 2,798,476.00
CATCO	$ 2,799,492.80
North America Construction Co.	$ 3,148,845.00
Sicar Management	$ 3,295,714.00
Man O'Trees	$ 3,343,000.00

It is the recommendation of the undersigned that this project be awarded to Accadia Site Contracting, Inc. at its Base Bid of $2,564,587.50. Funding is available through Funding Code H0921.2009.0921.0449.599.

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

Yeas 5
Nays 0
APPROVED

HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM, ADDITIONAL FUNDING

Agenda Item #9

In September 2009, City Council approved an allocation of $50,000 per year for up to three years for YWCA of Niagara, Inc. and Community Missions of Niagara Frontier, Inc. ($25,000.00 each) to hire part-time caseworkers to process HPRP applicants. The City opted to utilize these agencies to approve the HPRP applicants because the City does not have this expertise. The benefits to the approved applicants are paid by the City with HPRP funds through the Leased Housing Program.

The YWCA and Community Missions decided to pool the grants together and hire one full-time caseworker instead of two part-time caseworkers. The full time caseworker, who is employed by the YWCA, is working out of Carolyn's House. The caseworker has received significantly more applications than expected, resulting in a backlog of clients awaiting assistance through the HPRP program.

We are proposing that funding be increased to the YWCA to hire an additional caseworker to process the HPRP applicants. The total grant to the YWCA will be up to $85,000.00 per year for a two-year period. The grant will be used to pay the salaries and benefits of two caseworkers, and up to $5,000.00 per year in administrative expenses. Funds are available to pay for this grant under the HPRP grant which the City received from HUD.

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

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

Yeas 5
Nays 0
APPROVED

LASALLE WATERFRONT PARK, WENDEL DUCHSCHERER, CHANGE ORDER

Agenda Item #10

The Council previously approved an agreement with Wendel Duchscherer to provide planning services for the LaSalle Waterfront Park site at 6611 Buffalo Avenue.

As part of this project, the consultants and City personnel held three community meetings to receive the input of the community as to what amenities should be included in the park. This input is included in the final design.

It is requested that the Council approve an amendment to the agreement in the amount of $102,000 that will provide for the preparation of bidding documents and services during the construction of the project.

Funding is available from Greenway Funds approved for this project.

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

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

Yeas 5
Nays 0
APPROVED

PURCHASE: DOUBLE-SIDED IDENTIFICATION SYSTEM, CITY CLERK'S OFFICE

Agenda Item #11

The City Clerk is recommending that the City purchase a double-sided identification system maker for use in the City Clerk's Office. This will facilitate the issuance of identification badges/cards to the various licensees and vendors throughout the City. The total cost for this identification card maker and maintenance will not exceed $7,000. Funding is available from Casino Interest.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CITY CLERK'S OFFICE: REORGANIZATION

Agenda Item #12

As a result of a retirement anticipated to occur on or about August 1, 2010, the City Clerk is recommending restructuring certain positions in the office. Attached hereto is a summary of the positions proposed to be reorganized. The net savings to the City Clerk's budget as a result of this reorganization is approximately $2,109.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

HOLIDAY LIGHTS, FUNDING

Agenda Item #13

The City has been asked once again by the United Way of Niagara to sponsor the holiday lights demonstration in Hyde Park during the holiday season. The City has been asked to contribute the sum of $30,000 this year as it did last year. The City has also been asked by the United Way of Niagara to consider sponsorship of this event in year 2011 contingent upon the City's identification of a source of funds. Funding for the City's 2010 contribution is available through Tourism Fund balance.

Will the Council approve funding this event for 2010 and also consider funding this event for 2011 contingent upon the City's identification of a source of funds?

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

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS DEPARTMENT: TEMPORARY MW-2 POSITIONS, FUNDING

Agenda Item #14

The Director of DPW has identified a need for the creation of four temporary MW-2 positions in the DPW Streets Maintenance Division. These temporary positions will last for 26 weeks. The cost will be $14,364.32 inclusive of FICA and pension costs. This amount is the difference between the current salaries of three seasonal employees and one MW-1 position and the cost of the four MW-2 positions. These positions are needed so that the individuals in those positions can drive and use the smaller paving roller during the paving season. Funding is available from Special Projects Fund balance.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CITY COURT: CLEANING SUPERVISOR, CHANGE IN POSITION

Agenda Item #15

The DPW Director and the Chief Court Clerk are requesting a change in an MW-2 position at City Court to a MW-3 position. This allows a supervisor to be on site for each shift to supervise the cleaners assigned to the Court occupied space. The cost will be the responsibility of the Maintenance and Operation budget that City Court pays for.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: THOMAS, MARSHA

Agenda Item #16

Date Claim Filed:	November 19, 2009
Date Action Commenced:	N/A
Date of Occurrence:	November 6, 2009
Location:	South Avenue between 18th and 22nd Streets
Nature of Claim:	Vehicle damage.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$435.65
Make Check Payable to:	Marsha Thomas
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yeas	5
Nays	0
	APPROVED

CLAIM: DACOSTA, TRACI L.

Agenda Item #17

Date Claim Filed:	October 26, 2007
Date Action Commenced:	September 8, 2008
Date of Occurrence:	August 21, 2007
Location:	Intersection of 19th Street and Walnut Avenue
Nature of Claim:	Personal injuries sustained in an accident with City vehicle.
City Driver:	Frank Tedesco
Status of Action:	Pre-trial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$150,000.00
Make Check Payable to:	Traci L. DaCosta and Paul William Beltz, P.C.
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

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

Yeas	5
Nays	0
	APPROVED

CLAIM: HAWES, RONALD A.

Agenda Item #18

Date Claim Filed:	July 27, 2007
Date Action Commenced:	April 30, 2008
Date of Occurrence:	May 4, 2007
Location:	2004 LaSalle Avenue, Niagara Falls, NY
Nature of Claim:	Personal injuries sustained in an accident involving a City tree.
Status of Action:	Pre-trial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$12,000.00
Make Check Payable to:	Ronald A. Hawes and Lipsitz Green Scime Cambria, LLP
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

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

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITED BY THE CITY ASSESSOR

HOMESTEAD & NON-HOMESTEAD ASSESSMENT ROLL: CERTIFICATION OF BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS

Agenda Item #19

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached (on file in 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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CITY CLERK

RESOLUTION: PARKS, ORDINANCE AMENDMENT, 2010-36, MAYOR'S APPROVAL

Agenda Item #20

RELATIVE TO AMENDING CHAPTER 923 OF THE CODIFIED ORDINANCES ENTITLED "PARKS"

Please be advised that on May 4, 2010, Mayor Paul A. Dyster duly approved Resolution 2010-36, relative to Amending Chapter 923 of the Codified Ordinances entitled "Parks" which was adopted by Council on May 3, 2010.

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #21

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2010 to June 30, 2012.

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

Feathers, N	City Court
Valery, Nancy L.	City Court
Kunecki, Julie	Department of Code Enforcement
Zona, Anita M.	Department of Human Resources
Bancroft-Billings, Jeffrey	NFPD
DeMarco, John	NFPD
Dobrasz, Daniel Jr.	NFPD
Freeman, Roger	NFPD
Bray, Angela	Niagara Falls Human Rights Commission
Hague, Pastor Richard	Niagara Falls Human Rights Commission
Marin, Miguel	Niagara Falls Human Rights Commission
Stypa, Jeanette	Niagara Falls Human Rights Commission
Williams, Richard J.	Niagara Falls Human Rights Commission
Bradberry, William James	2500 Hyde Park Blvd., Niagara Falls, NY 14305
Churakos, Stephanie	564 Oak Run Drive, Lewiston, NY 14092
Curcione, Frances	3302 Walnut Ave., Niagara Falls, NY 14301
D'Aloise, Nicholas A. Jr.	621-4th St., Niagara Falls, NY 14301
Kennedy, Jean M.	1423 Wyoming Ave., Niagara Falls, NY 14305
Peploe, Kevin	669-78th Street, Niagara Falls, NY 14304
Stedman, Kandie	231 Niagara St., Lockport, NY 14094
Raybon, Jemelie E.	1716 Ferry Ave., Niagara Falls, NY 14301
Walker, Linda D.	1821-16th St., Niagara Falls, NY

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: VENDORS & PEDDLERS, ORDINANCE AMENDMENT, 2010-37

Agenda Item #22

RELATIVE TO AMENDING CHAPTER 341 OF THE CODIFIED ORDINANCES ENTITLED "VENDORS & PEDDLERS"
By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 341 of the Codified Ordinances entitled "Vendors & Peddlers" is hereby amended as follows:

Chapter 341 is hereby amended to include a supplemental map attached hereto designating four (4) additional vending locations to the Official Map of Designated Vending Locations.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: DISCRIMINATION & HARRASSMENT POLICY, 2010-38

Agenda Item #23

RELATIVE TO AMENDING CHAPTER 178 OF THE CODIFIED ORDINANCES ENTITLED "CITY OF NIAGARA FALLS DISCRIMINATION AND HARASSMENT POLICY"

By: Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

BE IT RESOLVED, by the City Council of Niagara Falls, New York that Chapter 178 of the Codified Ordinances entitled "City of Niagara Falls Discrimination and Harassment Policy" is hereby rescinded and Chapter 178 of the Codified Ordinances entitled "City of Niagara Falls Policy Against Discrimination and Harassment" is hereby adopted to read as follows:

Chapter 178

CITY OF NIAGARA FALLS
POLICY AGAINST DISCRIMINATION AND HARASSMENT

Section 178.01 INTRODUCTION

The City of Niagara Falls recognizes the right of all persons to equal opportunities and recognizes that all employees have the right to work in an environment free from discrimination and harassment. In this regard, it is the City's responsibility and practice to protect and safeguard the rights and opportunities of any person who might seek or obtain employment with the City. Solely for the purposes of this policy, the term "employee" shall also include a volunteer.

Section 178.02 POLICY STATEMENT

The City shall not tolerate employment discrimination. The City's policy is to provide equal employment opportunity without regard to age, race, creed, color, national origin, sex, sexual orientation, gender identity or expression, religion, disability, predisposing genetic characteristics, marital status, military status, or domestic violence victim status. All employment decisions shall be non-discriminatory, including decisions regarding hiring, promotions, terminations, and other terms and conditions of employment. The City also prohibits the discriminatory harassment of its employees or officers in any form. The City will take all steps necessary to prevent and stop the occurrence of any illegal discrimination or harassment in the workplace. Specifically:

(a) No person employed by the City shall discriminate against any other person in employment, potential employment, or the terms and conditions of employment based on age, race, creed, color, national origin, sex, sexual orientation, gender identity or expression, religion, disability, predisposing genetic characteristics, marital status, military status, or domestic violence victim status.

(b) No person employed by the City shall be subjected to workplace harassment, as set forth in Section 178.03.

(c) No person employed by the City shall be subjected to retaliation on the ground that he or she complained about prohibited discrimination or harassment or testified, provided information, or otherwise assisted in any investigation of alleged prohibited conduct as set forth in Section 178.04.

(d) This policy applies to all City officers and employees and all individuals who serve as contractors to the City. This Policy may also apply to the conduct of individuals who are not officers, employees or contractors of the City over whom the City exercises sufficient control. This policy applies to any City facility and all work-related settings and locations where City employees are assigned to work.

(e) The City and this discrimination and harassment policy prohibit conduct that is illegal under State or federal law.

(f) Conduct which may not rise to the level of a violation of law may nonetheless violate this Policy.

Section 178.03 PROHIBITION AGAINST WORKPLACE HARASSMENT

In accordance with Section 178.02, workplace harassment shall be prohibited. Specifically:

(a) DISCRIMINATORY HARASSMENT

It shall be prohibited for an employee of the City to engage in harassment of another employee based on age, race, creed, color, national origin, sex, sexual orientation, gender identity or expression, religion, disability, predisposing genetic characteristics, marital status, military status, or domestic violence victim status.

(1) Prohibited conduct includes verbal, nonverbal or physical conduct that denigrates or shows hostility towards an individual or group because of their age, race, creed, color, national origin, sex, sexual orientation, gender identity or expression, religion, disability, predisposing genetic characteristics, marital status, military status, or domestic violence victim status when such conduct:

a. has the purpose or effect of unreasonably interfering with the individual's terms, conditions, and/or privileges of employment; or

b. has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or

c. otherwise adversely affects an individual's employment benefits, conditions, or opportunities.

(2) Specific forms of behavior that the City would consider discriminatory harassment include, but are not limited to, epithets, slurs, negative stereotyping, or threatening, intimidating or hostile speech or acts, or written or graphic material displayed or circulated in the workplace, that denigrates or shows hostility towards an individual or group because of their age, race, creed, color, national origin, sex, sexual orientation, gender identity or expression, religion, disability, predisposing genetic characteristics, marital status, military status, or domestic violence victim status.

(3) Conduct which may not rise to the level of a violation of law may nonetheless violate this policy.

(b) SEXUAL HARASSMENT

It shall be prohibited for an employee of the City to engage in sexual harrassment of another employee of the City.

(1) Prohibited conduct includes sexual advances that are not welcome, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature when:

a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's work; or

b. Submission to, or rejection of, such conduct by an individual is used as the basis for workplace decisions such as promotion, transfer, or termination; or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(2) Sexual harassment refers to behavior of a sexual nature that an individual does not welcome; that is personally offensive; that fails to respect the rights of others; that lowers morale and that, therefore, has the purpose or effect of interfering with an individual's work performance and effectiveness; or that creates an intimidating, hostile, or offensive working environment. Specific forms of behavior that the City would consider sexual harassment include, but are not limited to, the following:

a. Sexual Advances: Demands, direct or indirect, for sexual favors as a condition of employment, for favorable employment decisions, or for any other reason.

b. Verbal Harassment: Hostile or abusive verbal language related to a person's sex, including sexual innuendos; epithets; slurs; suggestive, derogatory, or insulting comments or sounds; staring; whistling; jokes of a sexual nature, even when not directed toward a specific individual; conversations with obvious sexual overtones, even when not directed toward a specific individual; sexual propositions; and threats.

c. Non-Verbal Harassment: Abusive written language; showing, displaying or circulating, including by the use of email, pornographic or sexually explicit jokes, objects or pictures; graphic commentaries; leering; or obscene gestures in the workplace that unreasonably interfere with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

d. Physical Harassment: Any physical contact which is not welcome, including touching, kissing, embracing, petting, pinching, coerced sexual intercourse, assault, or persistent brushing up against a person's body.

(3) A victim of sexual harassment does not have to be the opposite sex of the harasser. The harasser does not have to be the victim's immediate supervisor. The harasser could be an agent of a supervisor, another supervisor, a co-worker, or even someone not on the payroll of the City who might have occasion to appear at a work site or enter a City building or facility. A victim of discriminatory or sexual harassment does not necessarily have to be the person harassed but could be anyone affected by the offensive conduct directed at another person or not directed at any specific person.

(4) Conduct which may not rise to the level of a violation of law may nonetheless violate this policy.

Section 178.04 PROHIBITION AGAINST RETALIATION

It shall be prohibited for an employee of the City to engage in retaliation against an individual on the ground that the individual complained about prohibited discrimination or harassment or testified, provided information, or otherwise assisted in any investigation of alleged prohibited conduct as defined by law or this Policy.

Retaliation occurs when an employee suffers an adverse employment action, such as a demotion, discharge, or significant change in work assignment, or when other action is taken that might discourage a reasonable worker from opposing a discriminatory practice or making or supporting a charge of discrimination. Intimidation, coercion, threats, reprisals, or discrimination against any person for complaining about discrimination or harassment, as described in this Policy, is also prohibited. Any such retaliatory conduct is illegal and will result in disciplinary action against the retaliator.

Section 178.05 COMPLAINT PROCESS OVERVIEW

(a) Any City officer or employee is encouraged to report an incident of suspected discrimination, harassment, or retaliation as soon as possible to either a department head, the City Administrator, the Director of Personnel, the EEO Officer for Compliance and Workforce Diversity, or to the Discrimination/Harassment Committee, which shall consist of a minimum of three (3) members: The Corporation Counsel or his/her designee; the Director of Personnel or his/her designee; the EEO Officer for Compliance and Workforce Diversity or his/her designee; and any additional member(s) designated by the Mayor and/or City Administrator.

(b) Should an officer or employee believe that he or she has been discriminated against or harassed and would like guidance as to how to file a complaint, that individual should review the City's discrimination and harassment complaint procedure or contact the EEO Officer for Compliance and Workforce Diversity or any member of the Discrimination/Harassment Committee.

(c) Should an individual file a complaint, the procedures set forth below must be followed, including filing a complaint within 180 calendar days of the alleged conduct. The procedures describe the steps to be taken when an employee has filed a complaint, detail the responsibilities of all involved parties, and provide the time frames for actions to be taken.

(d) All complaints will be handled in a timely and confidential manner. In no event will information concerning a complaint be released by the City to any third party or to anyone within City government who is not directly involved with or in the investigation. Confidentiality will be maintained throughout the investigatory process. All complainants, respondents and witnesses in an investigation shall be informed of this confidentiality policy. A breach of this confidentiality policy will result in disciplinary action.

(e) The investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegations will be examined individually, with a review of the nature of the behavior and the context in which the incident or incidents occurred.

(f) An individual who believes that he or she has been unjustly charged with illegal discrimination or harassment in violation of this policy will be afforded every opportunity to offer and present information in defense of the complaint. Any information will be confidential.

(g) All employees are required to cooperate fully with any investigation of alleged violations of this Policy or the law. Any employee who fails to cooperate with an investigation, obstructs an investigation, or interferes with the administration of any remedial or disciplinary action taken as a result of such investigation is subject to discipline.

(h) A person who participates in this procedure may do so without fear of retaliation. Retaliation against anyone who has filed a complaint under this policy or cooperates with an investigation is prohibited and may be a violation of federal or state law. Any such retaliation will result in disciplinary action by the City.

(i) A person who is found to have committed an act of illegal discrimination, harassment, or retaliation or otherwise to have violated this Policy will be subject to disciplinary action in accordance with the provisions of a negotiated labor agreement or State law, as may be appropriate.

(j) Nothing in this policy, including the complaint procedures, shall in any way limit an individual's existing right to file a complaint with the Niagara Falls Human Rights Commission, the New York State Division of Human Rights, the United States Equal Employment Opportunity Commission, or any other government agency, or to take any legal action which he or she may deem advisable. However, filing a complaint with the City or reporting allegations of discrimination, harassment, or retaliation to the City shall not toll any filing requirements set forth by these agencies or otherwise required by law.

Section 178.06 PROCEDURES FOR REPORTING A DISCRIMINATION OR HARASSMENT COMPLAINT

(a) GENERAL PROCESS

(1) If an employee feels that he or she is a victim of discrimination or harassment, the employee, hereafter referred to as the complainant, may meet with his or her department head to discuss an allegation of illegal discrimination or harassment or may file a complaint directly with the EEO Officer for Compliance and Workforce Diversity or the Discrimination/Harassment Committee.

(2) Any written complaint must contain information about the alleged discrimination or harassment such as the name, address, phone number of complainant, date and description of the incident(s), and should be filed on a "Complaint of Discrimination or Harassment" form. This form is available from the City and attached to this Policy.

(3) The written complaint should be submitted as soon as possible but no later than 180 calendar days after the alleged violation to:

Discrimination and Harassment Committee and
EEO Officer for Compliance and Workforce Diversity
c/o City of Niagara Falls Department of Human Resources
Room 14, City Hall
745 Main Street
Niagara Falls, NY 14302-0069
(716) 286-4430

(4) Anonymous complaints will be accepted and investigated to the extent possible. Employees, however, must be aware that a complainant's decision not to provide his or her identity may limit the ability to conduct a thorough investigation.

(5) The complainant may withdraw his or her complaint at any time by filing a "Withdrawal of Discrimination or Harassment Complaint" notice in writing. This form is available from the City and attached to this Policy.

(b) PROCESSING COMPLAINTS

(1) If an employee brings his or her complaint to a department head, the department head may seek initially to resolve and rectify the matter but shall also report the allegations to the EEO Officer for Compliance and Workforce Diversity. A department head shall have five (5) business days to try to resolve the allegations by (a) gathering and assessing the facts deemed necessary to resolve it; (b) interviewing the person alleged to have committed the discrimination or harassment, hereafter referred to as the respondent, and the complainant separately; and (c) using whatever other methods are deemed necessary or appropriate to attempt to resolve the complaint.

(2) Within five (5) business days from the date of the complaint, a department head must forward to the EEO Officer for Compliance and Workforce Diversity in writing the complaint or allegations and any resolution. If no resolution is reached within five (5) business days, the department head must refer the case and any information gathered to the EEO Officer for Compliance and Workforce Diversity for further investigation.

(3) Regardless of whether the complaint is written or verbal, the department head will prepare a statement outlining the complaint and any resolution reached. If a resolution is reached, all parties must sign the statement prepared by the department head which shall be sent to the EEO Officer for Compliance and Workforce Diversity. The case will be considered closed subject to an independent review by the EEO Officer for Compliance and Workforce Diversity, who may re-open the case in his or her discretion if he or she deems warranted.

(4) If a complaint is filed directly with the Discrimination/Harassment Committee or the EEO Officer for Compliance and Workforce Diversity, or is not resolved at the department level within the specified time frame, the Committee will investigate the complaint. Specifically, the Committee shall interview the complainant, call witnesses to appear before the Committee, and review any other evidence the Committee feels credible and probative of the allegations. Notice of the complaint must be given to the respondent, who shall also be afforded an opportunity to appear before the Committee, with or without counsel, if he or she so desires. Barring extraordinary circumstances, the Committee will have fifteen (15) business days to investigate the complaint and an additional fifteen (15) business days to render a recommended determination and any proposed remedial action, where appropriate.

(5) Written notice of the Committee’s recommendations will be given to both the complainant and the respondent, and filed with the EEO Officer for Compliance and Workforce Diversity.

(6) All complaints involving harassment, discrimination, and retaliation will be independently reviewed by the EEO Officer for Compliance and Workforce Diversity , who will make a final recommendation to the Mayor or his/her designee for approval.

CITY OF NIAGARA FALLS
COMPLAINT OF DISCRIMINATION OR HARASSMENT

Name of Complainant: _____
Address: _____
Home Phone: _____ Work Phone: _____
Date of Hire: _____
Job Title: _____
Department: _____
Department Head: _____
Name of Person Complained Of: _____
Date of Incident(s):_____ Time: _____
Description of Incident(s): (Use additional sheets if necessary)

_____
_____
_____
_____
Are you still employed by or volunteering for the City of Niagara Falls:
_____

Action you are seeking: _____
SIGNATURE_____ DATE
_____

Forward Original to: DISCRIMINATION/HARASSMENT COMMITTEE
Forward copy to: EEO OFFICER FOR COMPLIANCE AND WORKFORCE DIVERSITY

CITY OF NIAGARA FALLS
WITHDRAWAL OF DISCRIMINATION OR HARASSMENT COMPLAINT

Name of complainant: _____
Date complaint was filed: _____
Department Head notified: _____

I HEREBY WITHDRAW THIS COMPLAINT AND AGREE THAT NO FURTHER ACTION IS REQUIRED ON IT.

SIGNATURE: _____DATE:_____

Forward Original to: DISCRIMINATION/HARASSMENT COMMITTEE
Forward copy to: EEO OFFICER FOR COMPLIANCE AND WORKFORCE DIVERSITY

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

Yeas 5
Nays 0

APPROVED

LAW DEPARTMENT: RECLASSIFICATION OF POSITION

Agenda Item #24

At its meeting on May 13, 2010, the Civil Service Commission reclassified a position of Legal Secretary in the Law Department to Junior Account Clerk. This reclassification will allow for training of new personnel and continuity within the department. The reclassification will result in a saving of approximately $6,548.34. See the attached worksheet.

Will the Council approve the reclassification of a Legal Secretary position to Junior Account Clerk?

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

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci
City Clerk

The first session of the June 1, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:10 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Donna D. 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 May 17, 2010.

Council Chairman Sam Fruscione thanked Fire Chief William MacKay for his service to the City, presented him with gifts, and wished him well as he leaves to accept another position in Virginia. Corporation Counsel Craig Johnson read a Council Resolution in honor of the Chief.

In the Administrative Update:

1. City Administrator Donna Owens thanked Chief MacKay for his service, and wished him well.
2. Kevin Cottrell spoke on the North Star Project, and said that 13 RFP's were received, and he is working with the Main Street Business Association on the Project.
3. Patricia Travis, Youth Director, spoke on the opening of 11 play parks/pools on June 28, lunch programs at the parks, and added that one park will be open later at night on each day of the week.
4. City Engineer Thomas Radomski reported that the final design for the Abate Basketball Courts is being worked on and bids for the Project will be out on June 21; the 72nd Street Project will begin within the next three weeks; most of the demolition work for the Ice Pavilion Project is done; in response to Council Member Anderson's concerns about the height of the fence at Stephenson Park, Public Works Director David Kinney responded that work to raise the fence will be done in-house, has already been laid out, and is ready to go.
5. Human Resources Director Joyce Mardon-Serianni said that the EEOC Director will begin work on June 7, and the Deputy Director position will be advertised this week.

Council Member Walker asked Mr. Kinney about placing mulch under the swings at Gluck Park, and Mr. Kinney responded that the mulch has been ordered but is not in yet.

Mr. Kinney gave an update on paving, and said that some areas need to have the catch basin work done before the street can be finished, and paving work in the downtown area should start by July.

Council Member Fournier asked Mayor Paul Dyster the status of checking fire hydrants in the City, and the Mayor responded that the Administration is working with the Water Board to address the issue.

Chairman Fruscione expressed his disappointment with the way the entrances to the City looked over the holiday weekend and asked why City workers did not clean up the areas, and the Mayor responded that the City has a contract to maintain these areas, and the City workers may do more harm than good as far as weeding. The contractor will begin the work once contract issues are addressed, and Mr. Kinney added that some areas that are the responsibility of the State are not being maintained, and the City will have to take over the responsibility. Council Member Anderson added that looking into using artificial flowers may be a way to address the maintenance issue.

Chairman Fruscione asked Superintendent of Police John Chella to investigate an illegal taxi service operating downtown.

Council Member Walker suggested the use of Casino funds to address downtown public safety concerns. Chief Chella spoke on the number of car break-ins over the holiday weekend, and Council Member Anderson added that Casino funds should be used to clean up the City and add more Police.

Chairman Fruscione asked if the East/West Mall would be closed to vehicular traffic during all of the tourist season, and the Mayor responded that the Administration was working with USA Niagara on the issue.

Council Member Fournier said that he had received complaints that Global Spectrum representatives are unavailable to answer questions, and noted that there were no vendors downtown over the holiday weekend. A representative of Global Spectrum will be asked to attend the next Council Meeting to address the Council's concerns.

Chairman Fruscione asked if a cost has been obtained to locate utilities underground as part of the Tenth Street Project, and Mr. Radomski will provide the information.

This Session ended at 4:50 PM

Chairman Fruscione reconvened the Meeting at 7:09 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 #18
Nicholas D'Agostino	Agenda Items #14 & 18
Charles Knoll	Thanks to DPW & Dave Kinney for Buffalo Ave. sidewalk repairs; street still needs to be repaired & signs posted
Ron Anderluh	Niagara St flags & cleanup; Gill Creek Park Nature Trail; more money for Youth Budget; Water Board repaired fire hydrants & thanks to DPW & Dave Kinney for sidewalk repairs on Hyde Park Blvd.
Art Garabedian	Memorabilia cabinet in City Hall Lobby; use of Eminent Domain for Rainbow Mall to locate Culinary Institute
Earl Robinson	Complaints about vending & new Vendors Ordinance
Nicholas D'Agostino	Cleanup in City; containers for cigarette butts & Census participation
Bill MacKay	Water Board action regarding fire hydrants; industrial accident last week that closed Robert Moses Parkway

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: LEWISTON ROAD,RECONSTRUCTION, CHANGE ORDER #3, MAN O'TREES

Agenda Item #1

SUBJECT: RECONSTRUCTION OF LEWISTON ROAD NYS FROM BATH AVENUE TO NIAGARA FALLS NORTH CITY LINE – PIN 5045.24-CHANGE ORDER #3 - $0.00

A contract for the above referenced project was awarded to Man O'Trees, Inc. on June 29, 2009 in the amount of $ 7,713,000.00.

Subsequent to the contract's award, it was determined by the New York State Department of Health that that the contractor, (Man O'Trees, Inc.) perform all necessary radiation scanning and related work originally slated for the Engineer. These costs for additional licensing and monitoring, totaling $78,254.59, were not included in the Contractor's original scope of work. However, current underruns and items not presently in use will allow this additional work to be performed with no change ($0.00) to the existing 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 Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: LEWISTON ROAD, RECONSTRUCTION, CHANGE ORDER #2, MAN O'TREES

Agenda Item #2

SUBJECT: RECONSTRUCTION OF LEWISTON ROAD NYS FROM BATH AVENUE TO NIAGARA FALLS NORTH CITY LINE – PIN 5045.24-CHANGE ORDER #2 - $0.00

A contract for the above referenced project was awarded to Man O'Trees, Inc. on June 29, 2009 in the amount of $ 7,713,000.00.

In order to mitigate public concerns regarding radioactive material storage and to more appropriately utilize the City's right-of-way, it was determined by the City's consultant, and agreed to by the undersigned, to move the radioactive material storage area from the Findley Avenue intersection to Bath Avenue. The cost associated with this move is $25,127.11. However, current cost underruns and items not presently in use will allow this additional work to be performed with no change ($0.00) to the existing contract total.

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

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

Yeas 5
Nays 0
APPROVED

CITY CLERK'S OFFICE, LICENSE AND CODE COMPLIANCE INSPECTOR, FUNDING

Agenda Item #3

RE: License and Code Compliance Inspector

In order to provide for inspections for licensing compliance of coin operated amusement games and vending machines it is requested that the Council appropriate $2,000.00 from Casino Interest to fund a part time License and Code Compliance Inspector in the City Clerk's Office.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: HEALTH INSURANCE PLAN, HEALTHNOW NEW YORK, INC,

Agenda Item #4

RE: Administrative Services Agreement and Business Associate Agreements with HealthNow New York, Inc. and Brown & Brown of New York, Inc.

The City's health insurance plan is being administered by HealthNow New York, Inc. (the parent of Blue Cross and Blue Shield of Western New York). The City and HealthNow need to enter into an administrative services agreement which sets forth the various duties and responsibilities of the parties in providing health insurance to current City employees and City retirees.

In addition, recent amendments to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") require the City to enter into revised business associate agreements with both HealthNow and Brown & Brown of New York, Inc.

Will the Council so approve and authorize the Mayor to execute the administrative services agreement and business associate agreements in forms acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS: STAFF REORGANIZATION

Agenda Item #5

RE: Staff Reorganization at Department of Public Works

In anticipation of an upcoming retirement, it is requested that the Council approve the changes in the clerical staffing at the Department of Public Works on the attached summary. The Civil Service Commission has approved the changes. The net savings to the DPW budget on an annual basis is approximately $14,700.00. Funding to cover the transition is available in the Special Projects Fund Balance.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

PURCHASE: TRAFFIC MARKING PAINT, ENNIS PAINT, INC.

Agenda Item #6
SUBJECT: Bid #19-10 Traffic Marking Paint
At its meeting of May 3, 2010, the Council awarded the above referenced bid to Sherwin Willaims Co. (see attached letter). Due to a severe shortage of resin Sherwin Williams has advised the City that the manufacturer of traffic marking paint has been temporarily suspended for two to three months.
The City required delivery within 30 days. We contacted the second low bidder, Ennis Paint, Inc. and they have advised us that they will honor their bid prices.
Therefore, we respectfully request you re-award the above referenced bid as follows:

TO: Ennis Paint, Inc.
PO Box 404
Ennis, TX 75120
FOR: Traffic Marking Paint:
White: $45.00/pail
Yellow: $45.00/pail

The City Purchasing Agent 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) vendors. Three (3) bids were received. The above referenced company submitted the lowest bid.
Funds for this expenditure are available in budget code A3310.0000.0419.008.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CONTRACTS: RENTAL OF EQUIPMENT, VARIOUS VENDORS

Agenda Item #7
SUBJECT: Bid #24-10 Rental of Equipment
We respectfully request you award the above referenced bid as follows:
TO: Admar Supply Co., Inc.
1394 Main Street
Buffalo, NY 14217
FOR: Item #'s 11, 44-46, 51 and 53 per the attached tally sheet.

TO: Monroe Tractor
5035 Genesee Street
Buffalo, NY 14225
FOR: Item #'s 21, 23, 26, 27, 34, 38 and 43 per the attached tally sheet.

TO: Villani's Equipment, inc.
6405 Packard Road
Niagara Falls, NY 14304
FOR: Item #'s 1-4, 6, 7, 9, 20, 22, 24, 25, 28-30, 35-37, 39, 40, 54, and 55 per the attached tally sheet.

The City Purchasing Agent 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) vendors. Three (3) bids were received.
Funds for this expenditure are available in the various department equipment rental codes: .0442.003 and .0442.599.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CONTRACT: NATIONAL DEVELOPMENT COUNCIL, FUNDING

Agenda Item #8
RE: Contract for services with National Development Council
THIS ITEM WAS PULLED, NO ACTION TAKEN

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

SECOND HAND DEALERS LICENSE, MUZZILLO, LOUIS

Agenda Item #9
SUBJECT: Second Hand Dealers License
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. This application has been approved by the N.F. Police Department.

Louis E. Muzzillo 509 Third St. Niagara Coins & Collectibles
Will Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: VENDORS & PEDDLERS ORDINANCE, 2010-37, MAYORS APPROVAL

Agenda Item #10
Please be advised that Mayor Paul A. Dyster on May 19, 2010 duly approved Resolution 2010-37 relative to Adopting Chapter 341 of the Codified Ordinances entitled "Vendors & Peddlers" adopted by Council on April 5, 2010.
THIS ITEM WAS RECEIVED & FILED

RESOLUTION: DISCRIMINATION & HARASSMENT POLICY, 2010-38, MAYORS APPROVAL

Agenda Item #11
Please be advised that Mayor Paul A. Dyster on May 19, 2010 duly approved Resolution 2010-38 relative to Adopting Chapter 178 of the Codified Ordinances entitled "City of Niagara Falls Discrimination and Harassment Policy" adopted by Council on May 17, 2010.
THIS ITEM WAS RECEIVED & FILED

LOCAL LAWS: PLANNING BOARD & BOARD OF APPEALS MEMBERS, COMPENSATION, 2010-1 % 2010-2, MAYORS APPROVAL & RECEIPT & FILING BY NYS DEPT. OF STATE

Agenda Item #12

Local Laws #1 & #2 for the Year 2010 which were adopted by Council on May 3, 2010 and duly approved by Mayor Paul A. Dyster on May 10, 2010 were Received and Filed by the New York State Department of State on May 18, 2010.
THIS ITEM WAS RECEIVED & FILED

RESOLUTION: STANDARD WORK DAY AND REPORTING RESOLUTION, 2010-39
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, the City of Niagara Falls, New York hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body; and

Title	Name	Standard Work day	Term begins/ends	Participates in Employer's time keeping system	Days/Month
Elected Officials					
Council Member	Charles A.Walker	6	1/1/2010 – 12/31/2013	N	15.5

WHEREAS, the clerk of this governing body of the State of New York does hereby certify that he/she has compared the foregoing with the original resolution passed by this governing body as part of the minutes of such meeting and that same is a true copy thereof and the whole of such original; and

WHEREAS, the clerk certifies that such members were present at such meeting and the council members voted in favor of the above resolution.

THEREFORE BE IT RESOLVED, that the above is adopted by the Niagara Falls City Council and that the information be submitted to the New York State Comptroller and the clerk of the governing body to be maintained for at least 10 years.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: SANCHES, SALUSTINO "SHORTY", HONORING, 2010-40

Agenda Item #14

RELATIVE TO HONORING SALUSTIANO "SHORTY" SANCHES ON HIS 108TH BIRTHDAY

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, Salustiano Sanches, "Shorty" to his family and friends, will be 108 years old in June of 2010. Mr. Sanches lived in the City of Niagara Falls for over 55 years and currently resides at the Elderwood Health Care Center on Grand Island; and

WHEREAS, Mr. Sanches settled in Niagara Falls to raise his family and spent many hours working the factories in and around Niagara Falls. He always found time to grow his vegetable and grape gardens at their home on Ashland Avenue; and

WHEREAS, Mr. Sanches is 75% deaf, having lost his hearing at a young age while working at a Niagara Falls factory. He communicates with everyone using a chalkboard, and enjoys keeping up with local and national news and reading several newspapers and an array of magazines and books.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, wishes Mr. Salustiano "Shorty" Sanches a Happy 108th Birthday and recognizes him for his love and dedication to the Niagara Falls community.

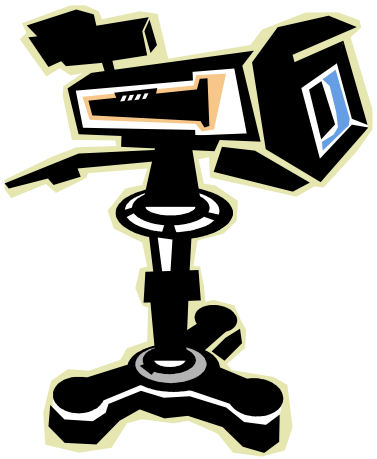
Yeas 5
Nays 0

ADOPTED

RESOLUTION: GRUKA, ANTONIO & CAMPANA, SARA, HONORING, 2010-41

Agenda Item #15

RELATIVE TO HONORING ANTONIO GRUKA AND SARA CAMPANA OF NIAGARA FALLS HIGH SCHOOL



BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, the Our Schools Channel is an Educational Access Channel. The programming that it creates or accepts from schools and colleges to be broadcast is educational in nature. The station is operated by the NFHS students who are part of the Media Production Program. The mission of the OSC is to promote the better understanding in the community by providing quality educational programming and to provide an outstanding educational experience by offering NFHS media production students unique opportunities to develop technical and communication skills through the operation of an actual television station; and

WHEREAS, Antonio Gruka and Sara Campana are both seniors at Niagara Falls High School and are the backbone of the Niagara Falls City Council meeting tapings.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, recognizes the hard work and dedication of students Antonio Gruka and Sara Campana for bringing this government programming into the Niagara Community.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: HUMAN RIGHTS COMMISSION, RE-APPOINTMENTS, 2010-42

Agenda Item #16
RELATIVE TO RE-APPOINTMENT TO THE HUMAN RIGHTS COMMISSION
BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

BE IT RESOLVED, that the following individuals are hereby re-appointed to the Human Rights Commission for the expiration date of which appears opposite their names:

RE-APPOINTMENT	TERM EXPIRES:
Rev. Richard Hague 1152 Fairfield Avenue Niagara Falls, NY 14305 284-7498	6/1/2013
Joanne Lorenzo-Sherwood 1943 Whitney Avenue Niagara Falls, NY 14301 282-0908	6/1/2013

Yeas 5
Nays 0
ADOPTED

RESOLUTION: AQUARIUM OF NIAGARA, 45TH ANNIVERSARY, 2010-43

Agenda Item #17
RELATIVE TO THE 45TH ANNIVERSARY OF THE AQUARIUM OF NIAGARA

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, the mission of the Aquarium of Niagara is to broaden the public's awareness of aquatic ecosystems through innovative and stimulating exhibits, displays, and educational and recreational programs that promote conservation and support research; and

WHEREAS, the Aquarium of Niagara opened on June 12, 1965 and it quickly became a model for the operation of inland aquaria. Technology was applied for the first time on a large scale in the preparation, handling and management of synthetic seawater; and

WHEREAS, the Aquarium of Niagara is a critical part of the City of Niagara Falls and has been approved in their Master Plan. A regional facility, the Aquarium reaches out to families, tourists and organizations and is open 363 days of the year; and

WHEREAS, **the Honorable Paul A. Dyster, Mayor of the City of Niagara Falls, New York** has proclaimed June 12th, 2010 as AQUARIUM OF NIAGARA DAY in the City of Niagara Falls, New York to celebrate their 45th Anniversary.

NOW THEREFORE BE IT RESOLVED, that the **City Council of the City of Niagara Falls, New York** congratulates the Aquarium of Niagara on their 45th Anniversary and continues to support the Aquarium as a tourist destination as well as a regional and educational destination for everyone.

BE IT FURTHER RESOLVED that **the Niagara Falls City Council** asks the citizens of Niagara Falls, New York to join them in celebrating the 45th Anniversary of the Aquarium and to participate in the all the activities that the Aquarium has to offer.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: MACKAY, FIRE CHIEF BILL, HONORING, 2010-44

Agenda Item #18

RELATIVE TO HONORING NIAGARA FALLS FIRE CHIEF BILL MACKAY

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, on Friday, June 11th, 2010, Niagara Falls Fire Chief Bill Mackay will be leaving the City of Niagara Falls to take a new post in Virginia; and

WHEREAS, Chief Mackay came to Niagara Falls a little more than four years ago, and is proud of his accomplishments which include modernizing the department's equipment and beefing up the number of firefighters on the line; and

WHEREAS, among those accomplishments were his increased community outreach which he has done on a personal level as well as a department level. A big advocate of smoke detectors, Chief Mackay spoke often to community groups, block clubs and youth groups about the importance of fire safety.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, congratulates Fire Chief Bill Mackay on his new position. He was well known in the Niagara community, a good fire chief and will be sorely missed.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: PLANNING BOARD MEMBERS, COMPENSATION, 2010-45

Agenda Item #19

RELATIVE TO COMPENSATION FOR PLANNING BOARD MEMBERS
BY: Council Chairman Samuel Fruscione
Council Member Kristen Grandinetti

WHEREAS, Local Law No. 1 for the Year 2010 allowed for salaries for members of the Planning Board to be set by the City Council.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that compensation to Planning Board members will be set at $25.00 per duly scheduled meeting attended.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ZONING BOARD OF APPEALS MEMBERS, COMPENSATION, 2010-46

Agenda Item #20

RELATIVE TO COMPENSATION FOR ZONING BOARD OF APPEALS MEMBERS
BY: Council Chairman Samuel Fruscione
Council Member Kristen Grandinetti

WHEREAS, Local Law No. 2 for the Year 2010 allowed for salaries for members of the Zoning Board of Appeals to be set by the City Council.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that compensation to Zoning Board of Appeals members will be set at $25.00 per duly scheduled meeting attended.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: BRIDGE CLEANING AND BRIDGE DECK SEALING PROJECT, VARIOUS LOCATIONS, 2010-47

Agenda Item #21

RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS, AND APPROPRIATING FUNDS THEREFOR.

CITY OF NIAGARA FALLS SFY 2010-11 BRIDGE CLEANING AND BRIDGE DECK SEALING PROJECT, VARIOUS LOCATIONS IN THE CITY OF NIAGARA FALLS, NIAGARA COUNTY, PIN 5759.66

BY: Council Chairman Samuel Fruscione

WHEREAS, the City of Niagara Falls SFY 2010-11 Bridge Cleaning and Bridge Deck Sealing Project. Various Locations in the City of Niagara Falls, Niagara County, PIN 5759.66 (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) phase of the project PIN 5759.66 .

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

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

RESOLVED, that the City 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) phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of $ 15,000 is hereby appropriated from H0925.2009.0925.0449.599 and made *available* to *cover* the cost of participation in the *above* phase of the Project; and it is further

RESOLVED, that in the *event* the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated *above*, 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

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: BRIDGE JOINT REPLACEMENT PROJECT, VARIOUS LOCATIONS, 2010-48

Agenda Item #22

RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS, AND APPROPRIATING FUNDS THEREFOR.

CITY OF NIAGARA FALLS SFY 2010-11 BRIDGE JOINT REPLACEMENT PROJECT, VARIOUS LOCATIONS, CITY OF NIAGARA FALLS, NIAGARA COUNTY, PIN 5759.67

BY: Council Chairman Samuel Fruscione

WHEREAS, the City of Niagara Falls SFY 2010-11 Bridge Joint Replacement Project, Various Locations, City of Niagara Falls, Niagara County, PIN 5759.67 (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) phase of the project PIN 5759.67

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

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

RESOLVED, that the City 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) phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of $ 20,000 is hereby appropriated from casino funds and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated above, 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

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: CSX RAILROAD BRIDGES, REPLACE & RECONSTRUCT, 2010-49

Agenda Item #23

RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS, AND APPROPRIATING FUNDS THEREFOR.

REPLACE THE CSX RAILROAD BRIDGES OVER NY ROUTE 104, MAIN STREET BINS 7036261 & 7036262 AND TO RECONSTRUCT NY ROUTE 104, MAIN STREET BENEATH THE CSX BRIDGES FROM BATH AVENUE TO ONTARIO AVENUE INCLUDING INTERSECTION IMPROVEMENTS IN THE CITY OF NIAGARA FALLS, NIAGARA COUNTY, PIN 5757.92

BY: Council Chairman Samuel Fruscione

WHEREAS, a Project to Replace the CSX Railroad Bridges over NY Route 104, Main Street BINs 7036261 & 7036262 and to Reconstruct NY Route 104, Main Street beneath the CSX Bridges from Bath Avenue to Ontario Avenue including Intersection Improvements, in the City of Niagara Falls, Niagara County, PIN 5757.92 , (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 Construction & Construction Inspection phase of the project, PIN 5757.92 .

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

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

RESOLVED, that the City 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 Construction & Construction Inspection phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of $ 1,194,000 is hereby appropriated from casino funds and made available to cover the cost of participation in the above phase of the Project; and it is further

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: "SECONDHAND DEALERS", ORDINANCE AMENDMENT, 2010-50

Agenda Item #24
RESOLUTION RELATIVE TO AMENDING CHAPTER 338 OF THE CODIFIED ORDINANCES ENTITLED "SECONDHAND DEALERS"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 338 of the Codified Ordinances entitled "Secondhand Dealers" is hereby amended by amending Section 338.05 and Section 338.06 to read as follows:

338.05Recordkeeping, tagging and holding requirements.

D. **Identification of Seller. Such report shall also describe the name and verified address of the person selling said item, including seller's age, height, weight, race and gender. The seller's address and identity shall be established by the seller producing to the broker at least one (1) current and official photo identification documents that contain the person's name, photo, address and further identifying information. Acceptable photo identification documents are those produced by the Department of Motor Vehicles, being a photo I.D. driver's license or a non-driver's photo I.D. card, or one of many different official government identification cards, such as an office police or sheriff's photo I.D. or official military photo I.D. card. The report shall include at least one eligible photocopy of each photo identification card. Social Security, draft registration, voter registration, library, employment, college I.D. cards, etc., shall not be considered sufficient identification for purposes of this Chapter.**

[D.] E. If several items are purchased from the same person in a single transaction, they may be reported and tagged as a group, provided that each item is accurately described. Items may be described in commonly accepted terms of the trade.

[E.] F. No secondhand dealer **s**hall permit any item which has been purchased or received by him to be sold, defaced or broken down until **[five] twenty-one (21)** days have elapsed after the giving of the notice of purchase of such article as required in Section 338.05(C). Items purchased or received from another secondhand dealer licensed under this Chapter shall be exempt from this provision, provided that such items had been held for the required time period by the secondhand dealer disposing of the items.

[F.] G. The following activities shall be exempt from the requirements of this section:

1. The acceptance of items as a trade in full or partial payment for items of the same type

Yeas 5
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci
City Clerk

June 14, 2010

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

The first session of the,2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of June 1, 2010.

Yeas	5
Nays	0
	ADOPTED

Laura Landers of Fred, Maxick & Battaglia gave a Presentation on the firm's audit of the City's finances. City Controller Maria Brown then added that revenues from the downtown Parking Ramp had increased due to the number of concerts that were held in the downtown area and also that customers paid as they entered the Ramp, rather than as they exited. Also, the Golf Course did well in 2009, and the amount that the City had to subsidize the Golf Course was less than had been projected.

Chairman Fruscione asked City Administrator Donna Owens to have the sound system in the Chambers either repaired or replaced.

In the Administrative Update:

1. City Administrator Owens said that Mayor Paul Dyster was attending the high speed rail summit in Albany.
2. She also thanked Mrs. Brown and her staff for their work in assisting the Auditors, and monitoring the Budget.
3. Director of Economic Development Peter Kay and Director of Business Development Fran Iusi responded to Chairman Fruscione's questions on the West Mall, and said that an ice cream shop and expanded souvenir shop would open shortly, as well as art for sale sponsored by the Niagara Arts and Cultural Center. Chairman Fruscione also requested that the street be opened up to traffic to and from the State Park.
4. Director of Public Works David Kinney spoke on the spin off from the ZOOM initiative where other property owners were also cleaning up their properties; said that cleaning up graffiti in the Ramp is a never ending issue; the lights in the Ramp will be replaced; the Ramp has a midnight shift for security; and, the Ramp is regularly cleaned. He also noted competing parking lots in the Ramp area. Council Member Anderson questioned the structural safety of the Ramp, and City Engineer Thomas Radomski responded that a study showed the Ramp to be structurally sound, and the concrete is being repaired.
5. Mr. Kinney added that trees on Third Street have been trimmed, and his Department is waiting for the proper paint for the parking lines on Third Street.
6. Mr. Radomski responded to Council Member Walker about the timeline for the 10th Street Project, and said that the repairs are behind schedule due to the utilities relocation, and 10th Street itself is scheduled for work at the end of the next construction season; bids for the Main Street Library air conditioning repairs are due June 29; and the repairs to the City Hall stairs should be within the next two weeks.

City Administrator Owens also gave a schedule for roof repairs to the Fire Department Administration building and the various Fire Halls.

Corporation Counsel Craig Johnson distributed an amended copy of Agenda Item #26, a Resolution relative to downtown signage.

Council Member Fournier moved to amend the Resolution.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

This Session ended at 4:45 PM

Chairman Fruscione reconvened the Meeting at 7:02 p.m. in the Council Chambers. Council Member Fournier was absent. The Chairman said the Prayer & 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:

Paul Gromosiak Ron Anderluh	Agenda Item #17 demolition of dilapidated buildings rather than placing them on Historic Preservation List
Diane Tattersall	selection of new Fire Chief; Culinary Institute location; flagging tourists for parking downtown; basketball courts; commended Dave Kinney & ZOOM Initiative

The following items were RECEIVED AND FILED:

Agenda Item #1
Claims Report for the Month of May 2010

Agenda Item #2
City Clerk's Report for the Month of May 2010

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: ASBESTOS SERVICES, JMD ENVIRONMENTAL, CHANGE ORDER #2

Agenda Item #3

A contract for the above referenced services was awarded to JMD Environmental Inc. on November 24, 2008 in the amount of $123,300, utilizing Community Development Block Grant funding. City Council subsequently approved Change Order #1 in the amount of $50,000 in December 2009 to include Casino funded demolition projects.

The total demolition budget authorized by City Council for 2010 is $1,640,000, comprised of $1,000,000 in Casino funding and $640,000 in CD funding. In order to complete all of the required asbestos surveys, bulk sample analysis and air monitoring for these demolitions it will be necessary to add additional funding to the Asbestos Services Contract with JMD Environmental. We estimate that up to 60 structures will be demolished in 2010. It is our recommendation that the following allocations be approved as Change Order # 2 to the 2009-2010 Asbestos Services Contract:

$60,000 CDBG Funds in budget code CD1.8666.0000.0450.500
$85,000 Casino Funds in budget code H0910.2009.0449.599

Will the Council vote to so approve and authorize the Mayor to execute Change Order #2 to the above referenced contract in the amount of $145,000.00?

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

Yeas	4
Nays	0

APPROVED

EZEKIEL PROJECT, TRANSFER OF PROPERTY TO HANCI

Agenda Item #4

On July 13, 2009, the Council approved additional funds to facilitate the transfer of 931 Michigan Avenue from Zion Lutheran Church to HANCI. While no specific CDBG or State Finance Law §99-h requirements limit the right to transfer, the grant agreements prohibit the transfer and require the Church to devote the building to community uses. The agenda item presented to Council did not specifically authorize the transfer.

In connection with the transfer, all contractors who have presented claims will be paid. Some real estate taxes which accrued after the Church took title but before the real estate exemption commenced will be paid. HANCI will devote to building to community uses. HANCI has agreed to limit its right to transfer 931 Michigan Avenue and to require continued community use for five years.

Will the Council vote to approve transfer of 931 Michigan Avenue by Zion Lutheran Church to HANCI and release the Church from any liability to the City pursuant to the grant agreements 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.

Yeas 4

Nays 0

APPROVED

PURCHASE: SPIN/RELIEF GRINDER, MOFFETT TURF EQUIPMENT, INC.

Agenda Item #5

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

TO: Moffett Turf Equipment, Inc.
33 Thruway Park Drive
West Henrietta, NY 14586

FOR: One (1) Spin/relief grinder: $21,751.71

The City Purchasing Agent 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 three (3) vendors. Two bids were received. The above referenced company submitted the lowest bid. A bid was also received from Grassland Equipment ($24,000.00).

Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0250.000

Council Member Walker moved to Table the Item

Yeas 3

Anderson, Walker, Fruscione

Nays 1

Grandinetti

MOTION TO TABLE APPROVED

PURCHASE: SIDEWALK STREET SWEEPER, JOE JOHNSON EQUIPMENT, INC.

Agenda Item #6
We respectfully request you award the above referenced bid as follows:

TO: Joe Johnson Equipment, Inc.
62 LaGrange Avenue
Rochester, NY 14613
FOR: One (1) Sidewalk Street Sweeper: $78,342.86

The City Purchasing Agent 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 five (5) vendors. The above referenced company submitted the only bid.

Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0230.000

Council Member Anderson moved to Table the Item

Yeas 3
Anderson, Walker, Fruscione
Nays 1
Grandinetti

MOTION TO TABLE APPROVED

PURCHASE: SODIUM HYPOCHLORITE & HYDROCHLORIC ACID, RIVERSIDE CHEMICAL CO. & CHEMICAL DISTRIBUTORS, INC.

Agenda Item #7
We respectfully request you award the above referenced bid as follows:

TO: Riverside Chemical Co.
871 River Road
North Tonawanda, NY 14120
FOR: Sodium hypochlorite in bulk deliveries(est. 3,700 gals):$2.77/gal
Sodium hypochlorite in 55 gal. drums (est. 2,500 gals.):$2.04/gal

TO: Chemical Distributors, Inc.
80 Metcalfe Street
Buffalo, NY 14206
FOR: Hydrochloric (muriatic) acid in 500# drums (est. 1,500 lbs): $.19/lb.
Hydrochloric (muriatic) acid in140# drums (est. 840 lbs):$.29/lb

The City Purchasing Agent 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 three (3) vendors. Three (3) bids were received. The above referenced companies submitted the lowest price for each respective item.

Funds for this expenditure are available in the Swimming Pools Maintenance/Repair code: A7146.0200.0419.009.

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

Yeas 4
Nays 0

APPROVED

BROWNFIELDS REDEVELOPMENT, PILOT AGREEMENT, AMENDMENT

Agenda Item #8

As the Council is aware, the City has previously entered into the above referenced agreement.

The City needs to enter into an amendment to the above referenced agreement to extend the project completion period to December 31, 2010.

This does not impact the funding for the project.

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

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

Yeas	4
Nays	0
	APPROVED

CONTRACT: BROWNFIELD TESTING, TVGA, CHANGE ORDER

Agenda Item #9

TVGA Consultants is the consultant to conduct Environmental Phase I and Phase II site investigations for parcels in the Highland Area under the City of Niagara Falls USEPA Brownfield Pilot program (an Amendment to that Grant Agreement appears elsewhere on your agenda).

It is recommended that this agreement be amended to include additional site investigation work and additional administrative services required by the EPA.

The total cost of these changes is $54,100 and funds are available through EPA Grant S.8989.3067.0449.599.

Will the Council vote to approve the change order 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.

Yeas	4
Nays	0
	APPROVED

ELECTRICIANS, BOARD OF EXAMINERS, APPOINTMENTS & REAPPOINTMENTS

Agenda Item #10

I hereby reappoint and appoint the following to the Board of Examiners of Electricians for the terms indicated

Reappointments:	Term:
Kevin Coram (Master Electrician)	11/13/11
John Signorelli (Master Electrician)	11/13/10
David Naus (Journeyman)	11/13/11

Appointments:	Term:
Mark Grozio (Journeyman)	11/13/10
Rafael Roffle (Lay Person)	11/13/12

Will the Council so confirm?

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

Yeas	4
Nays	0
	APPROVED

EDWARD BYRNE MEMORIAL ASSISTANCE GRANT PROGRAM, FISCAL YEAR 2010

Agenda Item #11

The County of Niagara and the City of Niagara Falls have jointly received $83,414 under the above referenced program.

Attached (On file in City Clerk's Office) is a proposed agreement with the County and the proposed budget for the program which sets forth the allocation of these funds.

There is no City match required.

Will the Council so approve and authorize the Mayor to execute the attached Memorandum of Understanding and any other documentation necessary to effectuate this grant?

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

Yeas 4
Nays 0
APPROVED

SPCA EXTENSION AGREEMENT

Agenda Item #12

The SPCA has now appointed a new Executive Director and negotiations have begun regarding a new agreement with the SPCA. In the meantime, it is recommended that the agreement which expired December 31, 2009 be extended through December 31, 2010 while negotiations continue on a new contract. Attached is a copy of the Additional Extension Agreement (On file in City Clerk's Office).

Will the Council so approve?

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

Yeas 4
Nays 0
APPROVED

PARKING RAMP, LIGHTING IMPROVEMENTS

Agenda Item #13

The City has the opportunity to participate in a program with National Grid to replace the lights in the City of Niagara Falls Parking Ramp with new energy efficient lighting. The cost to the City will not exceed $36,000; that amount will be matched by National Grid. The new energy efficient lighting will result in annual savings to the City of approximately $19,000. Attached hereto is a copy of an agreement to implement this program as well as energy saving projections prepared by National Grid. Funding for the City's share is available through Special Projects Fund balance.

Will the Council authorize the Mayor to enter into the attached agreement (On file in City Clerk's Office) with National Grid to implement the program and also fund the program?

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

Yeas 4
Nays 0
APPROVED

GUN REDUCTION INITIATIVE, NEW YORK STATE GRANT

Agenda Item #14

The Police Department has received a grant in the above referenced program in the amount of $50,000.

No City match is required.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any agreements or other documentation in a form acceptable to the Corporation Counsel?

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

Yeas 4
Nays 0
APPROVED

POLICE VEHICLE AND VIDEO SURVEILLANCE CAMERAS, NYS COMMUNITY CAPITAL ASSISTANCE PROGRAM GRANT

Agenda Item #15

The City has received a grant in the amount of $100,000 in the above referenced program.

No City match for this grant is required.

Will the Council authorize the Mayor and City Administrator to file the necessary certification with the Dormitory Authority of the State of New York, which is administering the grant and execute any other documents in a form acceptance to the Corporation Counsel?

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

Yeas 4
Nays 0
APPROVED

NIAGARA HOMECOMING EVENT, NIAGARA RISES, CITY CONTRIBUTIONS

Agenda Item #16

Niagara Rises will once again be sponsoring the Niagara Homecoming event to be held in the City of Niagara Falls from June 24, 2010 through June 27, 2010. Attached is a summary of the events. Because this event promotes and features the City of Niagara Falls, the City has been asked for a contribution to the cost of this event. Attached hereto is a list of event sponsors and an event budget. The City contributed the sum of $6,000 in 2009 for the cost of this event. The sum of $7,500 is available from Casino Interest to help sponsor the 2010 event. Funding will be made available pursuant to an agreement to be prepared by the Corporation Counsel.

Will the Council so approve?

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

Yeas 4
Nays 0
APPROVED

OLD STONE CHIMNEY, CONSULTING SERVICES, FUNDING

Agenda Item #17

In connection with the upcoming celebration of the Bi-Centennial of the War of 1812, the City has an opportunity to showcase the Old Stone Chimney which historians believe dates back to the year 1750 and the construction of Fort Du Portage. The Old Stone Chimney is presently located near the Robert Moses Parkway. In order to proceed, it is necessary for the City to retain the services of a consultant to provide advice on relocating the two story chimney which weighs approximately 60 tons, but also to consult on design work relative to landscaping and interpretation of this historic resource. Funding of up to $50,000 for these consulting services is available from Special Project Fund balance.

Will the Council so approve?

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

Yeas 4
Nays 0

APPROVED

POLICE DEPT, BYRNE JUSTICE ASISTANCE GRANT

Agenda Item #18

The Police Department has received the above referenced grant in the amount of $50,000 for its gun violence reduction initiative.

No City match is required under this grant.

Will the Council approve acceptance of this grant and authorize the Mayor to execute any required documentation?

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

Yeas 4
Nays 0

APPROVED

PROMISE NEIGHBORHOODS PROGRAM, APPLICATION FOR PLANNING GRANT

Agenda Item #19

It is the intention of the City in a partnership consisting of Niagara University, Niagara Falls Board of Education and the City of Niagara Falls to make application for a planning grant under the Promise Neighborhoods Program (CFDA #84.215P), US Department of Education, Office of Innovation and Development.

Will the Council so approve and authorize the Mayor to sign a Memorandum of Understanding with the above parties in a form acceptable to Corporation Counsel to apply for this grant?

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

Yeas 4
Nays 0

APPROVED

CLAIM: KOZLOWSKI, WANDA

Agenda Item #20
RE: Request for Approval to Settle and Pay Claim of Wanda Kozlowski 2004 Hyde Park Boulevard, Niagara Falls, NY

Date Claim Filed:	March 18, 2010
Date Action Commenced:	N/A
Date of Occurrence:	February 18, 2010
Location:	Cleveland Avenue & Hyde Park Boulevard
Nature of Claim:	Damage sustained by snow thrown by City plows.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1,434.00
Make Check Payable to:	Wanda Kozlowski
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yeas	4
Nays	0

APPROVED

CLAIM: STRANGES, PETER

Agenda Item #21
RE: Request for Approval to Settle and Pay Claim of Peter Stranges 527 23rd Street, Niagara Falls, NY 14301

Date Claim Filed	January 19, 2010
Date Action Commenced:	N/A
Date of Occurrence:	January 14, 2010
Location:	Pine Avenue & Hyde Park Boulevard
Nature of Claim:	Automobile accident with City vehicle
City Driver:	Anthony M. Marino
Status of Action:	Claim stage.
Recommendation:	Best interests of City to pay claim.
Amount to be Paid:	$436.10
Make Check Payable to:	"Peter Stranges"
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yeas	4
Nays	0

APPROVED

CLAIM: CHATMON, PAUL

Agenda Item #22
RE: Paul Chatmon

At your September 21, 2009 meeting, you approved the payment of $1,475.98 to Paul A. Chatmon. This approval was contingent on Mr. Chatmon resolving a workers' compensation claim with PERMA, the City's third-party administrator, and that funding would come from the Police Patrol Bi-Weekly line.

Mr. Chatman has resolved his workers' compensation claim with PERMA and it is recommended that City payment be made from the City's Insurance Reserve Fund.

Will the Council so approve and authorize payment in the amount of $1,475.98 to Lewis & Lewis, PC, as attorneys for Paul A. Chatmon?

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

Yeas 4
Nays 0
APPROVED

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CITY CLERK

SECOND HAND DEALERS LICENSE, NORA V. GUERRERO & SUSAN M. WEST, EL CASINO GOLD MINE

Agenda Item #23

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 have submitted applications for secondhand dealer licenses. These applications have all been approved by the N.F. Police Department.

Nora V. Guerrero & Susan M. West – El Casino Gold Mine – 2008 Pine Avenue

Will Council so approve?

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

Yeas 4
Nays 0
APPROVED

RESOLUTION: ORDINANCE AMENDMENT, 2010-50, MAYOR'S APPROVAL

Agenda Item #24

Please be advised that Mayor Paul A. Dyster on June 2, 2010 duly approved Resolution 2010-50 relative to Amending Section 338.05 and Section 338.06 of Chapter 338 of the Codified Ordinances entitled "Secondhand Dealers" adopted by Council on June 1, 2010.

RESOLUTION: NIAGARA FALLS STATE PARK, 125TH ANNIVERSARY, 2010-51

Agenda Item #25

RELATIVE TO THE 125th ANNIVERSARY OF THE NIAGARA FALLS STATE PARK

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, established on July 15th, 1885, the Niagara Falls State Park will celebrate its 125th Anniversary. The Niagara Falls State Park is the model from which all other state parks were created; and

WHEREAS, during the Industrial Revolution of the early 19th Century, the natural beauty of Niagara Falls began to suffer as eager industrialists built mills and factories along the river to harness its power. By the late 1860s, a small group concerned about the preservation of the falls founded the Free Niagara movement, which held that the natural beauty of the land surrounding the falls should be protected from exploitation and free to the public. Members urged New York State to reclaim the falls and the surrounding area; and

WHEREAS, after more than 15 years of pressure, the Free Niagara crusaders won their battle. The Niagara Appropriations Bill was signed into law in 1885, creating the Niagara Reservation and signifying possibly the most important event in Niagara Falls history. The leader of the Free Niagara movement was America's first landscape architect, Frederick Law Olmsted, perhaps better known for designing New York City's Central Park. Olmsted believed that parks should be places of natural beauty, where "the masses could be renewed." This philosophy was applied throughout Niagara Falls State Park, with an entire network of footpaths through wooded areas and along the banks of the Niagara River. Today, the park retains Olmsted's vision by staying committed to maintaining native vegetation, unparalleled vistas and access to the general public. It's a fitting tribute to the man who believed that Niagara Falls belongs to all of us.

WHEREAS, the Honorable Paul A. Dyster, Mayor of the City of Niagara Falls, New York along with the **City Council of the City of Niagara Falls** recognizes that the Niagara Falls State Park is the oldest state park in the United States which plays host to millions of visitors each year.

NOW THEREFORE BE IT RESOLVED, that the **City Council of the City of Niagara Falls, New York** congratulates the Niagara Falls State Park and the Falls at Niagara which was preserved by farseeing visionaries over one hundred years ago, allowing it to remain free and open to the people of the world.

Yeas 4
Nays 0

ADOPTED

RESOLUTION: DOWNTOWN SIGNAGE, 2010-52

Agenda Item #26
RELATIVE TO DOWNTOWN SIGNAGE
BY: Council Chairman Samuel Fruscione
Council Member Charles Walker
Council Member Robert A. Anderson, Jr.

WHEREAS, tourism in the City of Niagara Falls, New York is extremely important to the local economy and, indirectly, the economy of the State of New York in that Niagara Falls, New York is visited by approximately 8 million to 10 million people on an annual basis; and

WHEREAS, signage is critical for people visiting Niagara Falls, New York to find their way to local venues, including attractions, businesses, hotels and restaurants; and

WHEREAS, the signage in Niagara Falls, New York is woefully inadequate for a number of reasons, including those attributable to Federal regulations, State regulations; and

WHEREAS, the City, in conjunction with USA Niagara Development Corporation (USAN) and the City of Niagara Falls Tourism Advisory Board (T.A.B.), embarked on a planning/design process to install an integrated system of vehicular and pedestrian wayfinding signs to help facilitate travel by the 8-10 million annual visitors; and

WHEREAS, the State and Federal authorities have not responded to the City, USAN and T.A.B. proposal.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York requires the State and Federal authorities to work with City officials, USAN as well as the City's Tourism Advisory Board to remove unnecessary signs and advance the signage program developed by the City, USAN and the T.A.B.; and

BE IT FURTHER RESOLVED, that State and Federal authorities respond to the City Council's mandate within ten days of the adoption of this resolution, otherwise the City shall proceed to remove & install signs as appropriate.

Yeas 4
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:25 p.m.

Carol A. Antonucci
City Clerk

June 28, 2010

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

The first session of the,2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:03 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of June 14, 2010.

Yeas 5
Nays 0
ADOPTED

In the Administrative Update:

1. Deputy Director of Public Works John Caso reported that work to be done at the Griffon Park Boat Docks includes paving, new lighting and handicap access; at the Caravelle Park, one basketball hoop has been put back up and a Committee has been formed to determine the needs of the neighborhood for the Park; and paving work is done during the week, while the crack filler/sealer machine is used on the weekends.
2. Environmental Assistant Alan Nusbaum noted that the Flood Zone Ordinance needs to be updated prior to October to include the new flood maps, which have fewer properties included.
3. City Administrator Donna Owens reported that the City parks and pools opened today, and fireworks will be displayed on the 4th of July at Hyde Park.
4. Mayor Paul Dyster expressed condolences to the family of Ted Williamson.

Council Member Fournier asked if a traffic plan was in place for the July 4th holiday, and the Mayor responded that it was being worked on. Chairman Fruscione added that he would also like to see enforcement against illegal taxis and flagging of tourists into private parking lots in the downtown area. It was also suggested that the few free parking spots on O'Laughlin Drive be eliminated.

Council Member Anderson asked about handicapped access into the building, especially with the construction going on in and around the building, and the Mayor informed him that he would check into it.

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

1. A communication relative to sponsoring a Youth Sports Fest on July 31.

Chairman Fruscione moved to add the communication to the Agenda.

Yeas 5
Nays 0
MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

Council Member Walker moved to change the amount of the City's contribution from $4,000 to $5,400.

Yeas 5
Nays 0
MOTION TO AMEND APPROVED

The communication was added to the Agenda as #20.

2. A Resolution relative to an application for a Hyde Park Ice Pavilion Stone Comfort Station Grant.

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

Yeas 5
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #21.

3. A Resolution relative to an application for a La Salle Waterfront Park Grant.

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

Yeas 5
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #22.

4. A Resolution relative to honoring the memory of Theodore D. Williamson, Sr.

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

Yeas 5
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #23.

Council Member Grandinetti questioned the purchase of a new vehicle (Agenda Item #6), and the vehicle, if any, that it would be replacing, and Purchasing Agent Dean Spring responded.

Chairman Fruscione clarified Agenda Item #19, relative to use of the City's bandstand.

This Session ended at 4:30 PM

Chairman Fruscione reconvened the Meeting at 7:00 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:

Paul Gromosiak	Local History Dept. at Library, issues
Roger Spurback	Establish Task Force for Casino Funds

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FUEL DISPENSING STATION, EMPIRE STATE MECHANICAL CONSTRUCTION

Agenda Item #1

The following was the result of bids received on June 15, 2010, for the above referenced project:

CONTRACTOR	**BASE BID**
Empire State Mechanical Construction 3039 Sherwood Rd. Palmyra NY 14522	$ 399,000.00
Yarussi Construction Inc.	$ 448,000.00
Sicoli Construction	$ 471,700.00
Nature Way	$ 514,800.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Empire State Mechanical Construction, at their Base Bid of $399,000.00. Funding is available in Code HO0811.2008.0811.0419.006.

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

Yeas 5
Nays 0

CONTRACT: SOUTH JR. HIGH SCHOOL PLAYGROUND, GARDENVILLE LANDSCAPE & NURSARY, CHANGE ORDER

Agenda Item #2

A contract for the above referenced project was awarded to Gardenville Landscape & Nursery on October 9, 2009 in the amount of $96,057.00.

Subsequent to the start of the project, the accepted portions of the completed fence, playground and equipment installation sustained damage as a result of both vandalism and snow removal operations. The cost associated with the repairs referenced is $4,445.00, bringing the contract total to $100,502.00. Funding is available A7140.0100.0419.007.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: SWIMMING POOL SUB-METERING PROJECT, J.R. SWANSON PLUMBING CO., INC.

Agenda Item #3

After a meeting between the City, the Niagara Falls Water Board and the Niagara Falls Board of Education, it was determined that in order to more equitably distribute the costs associated with running the Sal Maglie Stadium and adjacent athletic facilities, the City would sub-meter the pool's water supply service. The initial filling of the pool and subsequent make-up water used throughout the season could then be accurately monitored without approximations and/or estimates.

To this end, the City solicited three independent quotes from municipally licensed plumbers. The lowest received quote for this work was that of J.R. Swanson Plumbing Co., Inc. at $5,375.00.

It is the request of the undersigned that the Council allow the transfer of $5,375.00 from casino funding to the appropriate Parks Department funding line.

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

Yeas 5
Nays 0

APPROVED

NEW JERUSALEM BOY'S REPORTING CENTER, RE-PROGRAMMING OF BLOCK GRANT FUNDS

Agenda #4

The New Jerusalem Boy's Reporting Center was allocated $100,000 in the 2010 Community Development budget to help defray administrative costs associated with the operation of the center. The 2010 City funding agreements have all been re-structured to provide funding based on a July 1 to June 30 program year. The existing agreement with the Boy's Reporting Center expired on April 30, 2010 leaving the months of May and June unfunded.

In order to address this issue we are recommend the re-programming of $16,666 in existing CDBG funds currently unprogrammed in Public Services to bridge the gap for the Boy's Reporting Center. If approved, a grant agreement extension will be signed based on the approved pro-rated allocation formula for administrative expenses.

The City normally receives the CDBG grant in May or June of each year, so we have opted to change the program year for sub-grantees to coincide with the anticipated receipt of funding from HUD. However, we cannot guarantee the exact date that HUD will issue a release of funding. Therefore, all CDBG grant recipients will be reminded again that City (CDBG) funding is based on the dates indicated in the annual funding agreement and that from time to time there may be gaps in funding availability.

Will City Council vote to so approve the use of $16,666 in Community Development Block Grant funds from budget code CD1.8676.0000.0450.500 to the New Jerusalem Boy's Reporting Center and authorize the Mayor to execute the required grant agreement?

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

Yeas	5
Nays	0
	APPROVED

COMMUNITY DEVELOPMENT, STAFF REALIGNMENT

Agenda Item #5

The Section 8 Division of the Department of Community Development currently has a vacant part-time Junior Account Clerk position (Grade 3) that is fully funded in the 2010 budget and a vacant, unfilled Leased Housing Intake Technician (Grade 4) that is funded for $1.00. We are requesting that the part-time junior account clerk position be abolished and the full-time Leased Housing Intake Technician be created. The Leased Housing Intake Technician will work 50% of the time on Leased Housing programs and 50% of the time on Homeless Prevention and Rapid Re-Housing Programs. Funding for the position will also be split 50/50 between Section 8 and HPRP.

Section 8 Funding is available in S8 8612.0000.0110.000

HPRP Funding is available in CD9 8694.0001.0110.000

Will the Council vote to so approve the staff realignment as outlined above?

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

Yeas	5
Nays	0
	APPROVED

PURCHASE: COMPACT 4X4 HYBRID SUV, VISION FORD

Agenda Item #6
We respectfully request you award the above referenced bid as follows:

TO: Vision Ford
4545 Ridge Road West
Rochester, NY 14626
FOR: 2010 Model Ford Escape 4x4 Hybrid SUV: $29,874.00

The City Purchasing Agent 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 seven (7) vendors. Three bids were received. The above referenced company submitted the lowest bid. Bids were also received from West Herr Ford-Hamburg. ($31,656.00) and Delacy Ford, Inc. ($32,764.00).

Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0230.000.

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

Yeas 0
Nays 5
DEFEATED

POLICE DEPARTMENT, INTERNET ACCESS

Agenda Item #7
Agreement with County of Niagara for Police Department-Internet Access

THIS ITEM HAS BEEN PULLED

CITY COURT CLEANING SUPERVISION, APPROVAL OF CHANGES

Agenda Item #8

The Chief Clerk of the City Court is requesting that the Council agenda item adopted on May 17, 2010 changing an MW-2 position to an MW-3 position be rescinded which will leave the MW-2 position in place. Rather, the Chief Clerk is requesting that two new positions be approved and assigned to the Court system. Those new positions will be a Crew Leader position and a new MW-3 position. This will provide the supervision during day and evening shifts. Funding is available through Code A.1620.2315 meaning that salaries and benefits for both positions will be reimbursed 100% by the New York State Court System.

Will the Council approve the rescission of the agenda item approved at its May 17, 2010 meeting as requested and approve the two new positions?

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

Yeas 5
Nays 0
APPROVED

ECONOMIC DEVELOPMENT, SPECIAL PROJECTS FUND

Agenda Item #9

NFC is the City's funding mechanism to promote economic development in the City of Niagara Falls. It is desirable that the City transfer the sum of $250,000 to NFC to be used to promote economic development projects including, but not limited to, business loans and grants, building acquisition and leasehold improvements. Funding is available from Special Projects fund balance.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CODE ENFORCEMENT, OVERTIME

Agenda Item #10

The Department of Code Enforcement has been conducting weekend neighborhood blitzes and has found these blitzes to be effective. The Department would like to continue this program. In order to do so, it is necessary to transfer $10,000 into the overtime line in the Department of Code Enforcement's budget. Funding is available from the City Council Contingency Fund.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

PURCHASE: SPIN/RELIEF GRINDER, MOFFETT TURF EQUIPMENT, INC.

Agenda Item #11

TO: Moffett Turf Equipment, Inc.
33 Thruway Park Drive
West Henrietta, NY 14586

FOR: One (1) Spin/relief grinder: $21,751.71

The City Purchasing Agent 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 three (3) vendors. Two bids were received. The above referenced company submitted the lowest bid. A bid was also received from Grassland Equipment ($24,000.00).

Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0250.000

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

Yeas 5
Nays 0
APPROVED

PURCHASE: SIDEWALK STREET SWEEPER, JOE JOHNSON EQUIPMENT,

Agenda Item #12

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

TO: Joe Johnson Equipment, Inc.
62 LaGrange Avenue
Rochester, NY 14613

FOR: One (1) Sidewalk Street Sweeper: $78,342.86

The City Purchasing Agent 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 five (5) vendors. The above referenced company submitted the only bid.

Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0230.000

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

Yeas 5
Nays 0
APPROVED

CLAIM: GAZY, ALBERT J.

Agenda Item #13
RE: Request for Approval to Settle and Pay Claim of Albert J. Gazy
1423 - 99th Street, Niagara Falls, NY 14304

Date Claim Filed:	November 6, 2009
Date Action Commenced:	N/A
Date of Occurrence:	November 5, 2009
Location:	1423 – 99th Street
Nature of Claim:	Property damage sustained in an accident with City vehicle
City Driver:	Vincent Jackson
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$195.78
Make Check Payable to:	Albert J. Gazy
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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: GRASSO, ANTHONY M.

Agenda Item #14
RE: Request for Approval to Settle and Pay Claim of Anthony M. Grasso
693 Brighton Road, Tonawanda, NY 14150

Date Claim Filed:	February 23, 2010
Date Action Commenced:	N/A
Date of Occurrence:	January 7, 2010
Location:	Beach Avenue, Niagara Falls, NY 14305
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Kory Keiper
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$916.36
Make Check Payable to:	Anthony M. Grasso
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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CITY ASSESSOR

HOMESTEAD & NON-HOMESTEAD ADJUSTED BASE PROPORTIONS, CERTIFICATION

Agenda Item #15

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify, to the New York State Office of Real Property Services, the attached referenced proportions (on file in the City Clerk's Office).

The certification is now due and the attached represents the necessary certification.

Will Council certify the attached adjusted base proportions?

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

Yeas	5
Nays	0

APPROVED

2010 GENERAL ASSESSMENT ROLL

Agenda Item #16

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 2010 and will be filed with the City Clerk on July 1, 2010 (on file in the City Clerk's Office).

Also, attached, please find the exemption summary for the 2010 roll.

Total Taxable Assessed Value	**$1,275,477,200**

Homestead	$869,562,750
Non-Homestead	405,914,450
Total	**$1,275,477,200**

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: HUSKEY, MICHAEL, MEDAL OF HONOR, 2010-53

Agenda Item #17
RELATIVE TO SUPPORT IN ACQUIRING MICHAEL HUSKEY'S MEDAL OF HONOR

BY: Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti

WHEREAS, fourteen Niagara County citizens have been awarded the Medal of Honor for distinguishing themselves by their valor and gallantry in action; and

WHEREAS, Irish-born Niagara County native, Michael Huskey, earned the Medal of Honor during the Civil War as a sailor abroad the USS Carondelet (Steele's Bayou Expedition, Vicksburg); and

WHEREAS, Michael Huskey died before receiving his Medal of Honor; and

WHEREAS, his Medal of Honor was never issued to his family, who continued to reside in Niagara County; and

WHEREAS, the Huskey family line has completely died out except for us, the people who benefited from his service and sacrifice; and

WHEREAS, Michael Huskey's Medal of Honor is proposed to be placed in a permanent and prominent display in the historic Niagara County Courthouse Rotunda as a perpetual memorial honoring Michael Huskey and all other veterans; and

WHEREAS, the United States Navy has rebuffed Niagara County's efforts to honor Michael Huskey in this manner by issuing his duly earned Medal of Honor to his remaining family – the people of Niagara County.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby request that the United States Navy release Michael Huskey's Medal of Honor to the care of his family – the people of Niagara County; and be it further

RESOLVED, that the City Council of the City of Niagara Falls, New York shall forward copies of this Resolution to President Barack Obama, U.S. Secretary of the Navy, Ray Mabus, Senator Carl L. Levin, Senator John McCain, Senator Charles Schumer, Senator Kirsten Gillibrand, Congresswoman Louise Slaughter, Congressman Chris Lee, Governor David Paterson, Senator George D. Maziarz, Senator Antoine D. Thompson, Senate Majority Leader Pedro Espada, Jr., Member of the Assembly Jane L. Corwin, Member of the Assembly Stephen Hawley, Member of the Assembly Jim Hayes, Member of the Assembly Robin Schimminger, Member of the Assembly Francine DelMonte, Speaker of the Assembly Sheldon Silver, and all others deemed necessary and proper.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: FLOOD DAMAGE PREVENTION, PUBLIC HEARING, 2010-54

Agenda Item #18
RELATIVE TO CALLING FOR A PUBLIC HEARING RELATIVE TO FLOOD DAMAGE PREVENTION

BY: Council Chairman Samuel Fruscione
Council Member Charles Walker

RESOLVED, that Local Law No. __3__ for the year 2010 be introduced, and that a public hearing be held on such Local Law on the 12th day of July, 2010 at 7:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting a new Local Law entitled "Flood Damage Prevention".

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CITY BANDSTAND, COMMUNITY-WIDE ACTIVITIES AND FESTIVALS, 2010-55

Agenda Item #19
RELATIVE TO CITY BANDSTAND FOR COMMUNITY-WIDE ACTIVITIES AND FESTIVALS

BY: Council Chairman Samuel Fruscione
Council Member Charles Walker

WHEREAS, this City Council has previously approved agenda items which have resulted in funding/co-sponsorship for community-wide activities and festivals organized and/or promoted by various groups in the City of Niagara Falls, New York including, but not limited to, block clubs, business associations and not-for-profit organizations; and

WHEREAS, one reason for the City Council's financial support for these various community-wide activities and festivals is that each event, in its own way, promotes the quality of life in the City of Niagara Falls and promotes tourism and economic development in the City of Niagara Falls; and

WHEREAS, in addition to the City's financial support for these various community-wide activities and festivals the use of a City-owned bandstand may enhance a particular community-wide activity or festival.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that a City-owned bandstand (and associated personnel costs) is available at no cost for use at a community-wide activity or festival that has received the financial support from the City, provided that these organizers and/or promoters of these various community-wide activities and festivals make proper request and application for a bandstand, provide necessary paperwork, including proof of insurance, and further provided that such a bandstand is available on the date(s) requested.

Yeas 5
Nays 0
ADOPTED

NIAGARA FALLS YOUTH BOARD, SPORTS FEST 2010

Agenda Item #20

The Niagara Falls Youth Board proposes a Sports Fest to be held on Saturday, July 31, 2010, which will be a one day competitive event for youth ages 12 to 18 in soccer and basketball.

In order to sponsor and fund this event, it is requested that the Council appropriate $5,400 from the Council Contingency fund.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: HYDE PARK ICE PAVILION STONE COMFORT STATION, GRANT, 2010-56

Agenda Item #21
RELATIVE TO PARKS DEVELOPMENT AND PLANNING-ENVIRONMENTAL PROTECTION FUND APPLICATION FOR HYDE PARK ICE PAVILION STONE COMFORT STATION

BY: Council Chairman Samuel Fruscione

WHEREAS, the City of Niagara Falls is applying for a – Parks Development and Planning Grant through New York State Parks, Recreation and Historic Preservation - Environmental Protection Fund grant for the above referenced project with an estimated total cost of $900,000 with State assistance in the amount of 400,000 and a local share of $500,000; and

WHEREAS, matching funds will be available from Power Authority Greenway funding ($200,000) and City of Niagara Falls Special Project fund ($300,000).

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.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: LASALLE WATERFRONT PARK, PARKS DEVELOPMENT AND PLANNING-ENVIRONMENTAL PROTECTION FUND, 2010-57

Agenda Item #22
RELATIVE TO PARKS DEVELOPMENT AND PLANNING-ENVIRONMENTAL PROTECTION FUND APPLICATION FOR LASALLE WATERFRONT PARK

BY: Council Chairman Samuel Fruscione

WHEREAS, the City of Niagara Falls is applying for a – Parks Development and Planning Grant through New York State Parks, Recreation and Historic Preservation - Environmental Protection Fund grant for the above referenced project with a total cost of $964,825 with State assistance in the amount of 400,000 and a local share of $564,825; and

WHEREAS, matching funds have been made available from Power Authority 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.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: WILLIAMSON, SR., THEODORE D., HONORING, 2010-58

Agenda Item #23
RELATIVE TO HONORING THE MEMORY OF THEODORE D. WILLIAMSON, SR.

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, on Thursday, June 24th, 2010, Mr. Theodore D. Williamson, Sr. passed away at the age of 86; and

WHEREAS, Mr. Williamson, along with his father, Joseph, established the WILLIAMSON FUNERAL HOME on March 17, 1960, which is presently located at 635 Main Street in Niagara Falls; and

WHEREAS, Mr. Williamson was a community and public servant through the Lions Club, NAACP, Niagara Community Center, Niagara Falls Transit Authority, National Conference for Community Justice and various other municipal civic groups. He also was a life-long member of the New Hope Baptist Church.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, honors the memory of Theodore "Ted" Williamson who will be dearly missed by the entire Niagara Frontier.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:25 p.m.

Carol A. Antonucci
City Clerk

July 12, 2010

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

The first session of the,2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:00-5:00 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of June 28, 2010.

Yeas 5
Nays 0
ADOPTED

Jill Scicchitano, General Manger of the Conference Center/Global Spectrum, reported that: revenues have increased, operating expenses have decreased, use of the event center has increased, including more shows open to the public, upcoming events include a gem/jewelry show and a Concert. She also noted that Old Falls Street is being maintained, events are being held there for tourists and residents, and there are a variety of vendors in the area.

In the Administrative Update:

1. City Administrator Donna Owens informed the Council that over 30 applications were received for the Fire Chief position, 16 persons were interviewed, and a short list of candidates is being prepared. Chairman Fruscione asked if the salary would remain the same, and the Administrator responded that it would.

2. City Administrator Owens commended Ms. Scicchitano for the work that is being done in the downtown area to attract more pedestrian traffic.

3. Public Works Director David Kinney gave an update on the schedule for street paving and the zipper machine. When asked about working on paving and using the zipper machine at the same time, Mr. Kinney responded that he only has staffing for one project at a time, and he would need more funding for overtime and operating engineers in order to accomplish both projects simultaneously. City Controller Maria Brown noted that funds within the Department's Budget that are not being used should be re-appropriated. Council Member Walker requested a clarification of what is being done and what needs to be done. Council Member Anderson suggested that the area around 79th Street School be worked on while school is not in session.

4. Director of Economic Development Peter Kay said that he had looked at the downtown area, and the Niagara Street area, with Chairman Fruscione and others to identify development projects that could attract tourists as well as local patrons. He added that some of the funding that had been received for the Entrepreneurial School and not used may have to be returned. The extra funding was to be used for a second training session, but the City was not able to recruit enough instructors for another session. Chairman Fruscione asked Mr. Kay to check with the Board of Education as a possible source for additional instructors for the Program. Mr. Kay also spoke on working with a company that deals with salvage building materials about a possible location in the City.

5. Mayor Paul Dyster spoke on issues at the Library, and said that Library Board had been requested to provide a list of Capital Projects, and the list included air conditioning, roof leaks, floor replacement and improved lighting. Council Member Grandinetti suggested that during the process of repairs, the building could be reconfigured to allow for other uses, as well as zoned for heating and cooling.

Chairman Fruscione asked about the scope of work included in the contract for the 11th Street Basketball Courts (Agenda Item #2), and City Engineer Thomas Radomski informed him that 3 full courts, lighting, sidewalks and bleachers and benches would be included.

Corporation Counsel Craig Johnson asked that Agenda Item #10, relative to funding for the LaSalle Business Association Blues Festival, be amended to remove the $500 allocated for Insurance.

Council Member Fournier moved to amend the communication.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

This Session ended at 5:00 PM

Chairman Fruscione reconvened the Meeting at 7:00 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:

Ken Hamilton	Agenda Item #2
Paul Gromosiak	Library Issues
Ken Hamilton	Library Issues, Basketball Courts
Diane Tattersall	South Junior Playground Issues

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK

Agenda Item #1
Claims Report for the month of June, 2010.
This item was received and filed.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 11TH STREET BASKETBALL COURTS, SCOTT LAWN YARD INC.

Agenda Item #2

The following was the result of bids received on July 1, 2010, for the above referenced project:

CONTRACTOR	**BASE BID**
Scott Lawn Yard Inc 5552 Townline Road Sanborn, NY 14132	$262,195.00
Louis Del Prince & Sons	$267,980.00
American Paving & Excavating	$295,761.00
Yarussi Construction	$312,190.00
Mark Cerrone, Inc.	$327,337.00
Pinto Construction Services	$384,895.35

It is the recommendation of the undersigned that this project be awarded to the low bidder Scott Lawn Yard Inc., at their total bid of $262,195.00. Funding is available in Code H0920.2009.0920.0449.599 through an appropriation of Casino funds in the amount of $263,000.00.

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: AIR CONDITIONING UNIT REPLACEMENT, JOHN DUKE SENIOR CENTER, JOHN W. DANFORTH CO.

Agenda Item #3

The following was the result of bids received on June 29, 2010, for the above referenced project:

CONTRACTOR	BASE BID
John W. Danforth Co. 300 Colvin Woods Pkwy Tonawanda NY 14150	$ 72,000.00
Greater Niagara Mechanical Inc	$ 77,700.00

It is the recommendation of the undersigned that this project be awarded to the low bidder John W. Danforth Co., at their Base Bid of $72,000.00. Funding is available in Code S8400.8401.0449.599.

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

Yeas 5
Nays 0
APPROVED

SOUTH AVENUE PAVING, FUNDING REIMBURSEMENT

Agenda Item #4

The Department of Community Development successfully completed the American Recovery Act CDBG-R funded milling and resurfacing project in 2009. The contractor, Yarussi Construction, Inc. has been paid in full for the completed project less the contract retainage of $37,664.64. This project was also funded in part with Casino Revenues. The CDBG-R portion of the retainage is $23,094.20, due and payable on December 21, 2010.

We have been recently contacted by the Buffalo Area HUD Office in an effort to expedite the full expenditure of CDBG-R funds. They have requested that we find another Community Development eligible resurfacing project and pay for it using the $23,094.20 CDBG-R fund balance. We have identified a suitable candidate in the South Avenue (10th Street to 11th Street) in-house paving project completed in 2009.

Therefore it is our recommendation that $23,094.20 in CDBG-R funds be paid to the City Controller as reimbursement for a portion of the South Avenue paving project.

In order to also pay Yarussi Construction the $23,094.20 retainage when it is due in December 2010, we recommend that Community Development Block Grant funds, currently available, be re-programmed from the following budget codes:

CPW071	(2009 milling & re-surfacing)	$ 18,711.50
CON001	contingency	$ 4,382.70
Total		$ 23,094.20

Will the Council vote to so approve the use of CDBG-R funds for South Avenue and the re-programming of CD funds as outlined above?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: DEMOLITION OF VARIOUS PROPERTIES, YARUSSI CONSTRUCTION, INC.

Agenda Item #5

The following bids were received by the Department of Community Development on July 6, 2010 for the demolition of nine (9) structures identified on the attached list (on file in City Clerk's Office).

CONTRACTOR	**BID AMOUNT**
Yarussi Construction, Inc	$229,800
Empire Dismantlement	$248,500
Metro Contracting & Environmental, Inc.	$285,274
Mark Cerrone, Inc.	$288,480

It is our recommendation that a contract be awarded to the low bidder, Yarussi Construction, Inc. at their base bid amount of $229,800. Funding is available in budget code CD1.8666.0000.0450.500. If the NYS Housing Finance Agency provides NSP reimbursement for this project we will use the following budget codes:

CD1.8666.0000.0450.500	$129,800	
CD3.6980.0000.0450.500	$100,000	(to be reimbursed with NSP Funds)

Will the Council vote to award contract CD2010-2 to Yarussi Construction, Inc. and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0

APPROVED

COMMUNITY DEVELOPMENT DEPARTMENT, ENERGY AUDIT TECHNICIAN

Agenda Item #6

The City of Niagara Falls was awarded a $150,000 EECBG Grant to perform residential energy audits for City homeowners that demonstrate a willingness and financial ability to implement recommendations resulting from the audit. $20,000 can be utilized to pay administrative costs associated with the project.

We anticipate that we will reach households that are of low to moderate income through the Community Development intake process. Those households will receive financial assistance through the CDBG program. For those households that do not income qualify for Community Development funding, we are proposing that a $2,500 matching grant be offered from the EECBG grant to assist with energy improvements made as a result of the audit.

It is our recommendation that a position for a part-time Energy Audit Technician be created in the Department of Community Development to manage the day-to-day activities associated with this grant. The position will be funded at a rate of $17.09 per hour, 15 hours per week, for 18 months or until the project funds have been exhausted, whichever occurs sooner. The City's grant administrator will be responsible for the management of the grant process including vouchering for reimbursement, amendments and grant reporting requirements. The Director of Community Development will supervise the Energy Audit Technician. Funding is available in budget code S8400.8401.0130.000

Will the Council vote to so approve the creation of a part-time Energy Audit Technician in the Department of Community Development, utilizing $20,000 in EECBG funding?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT, YARUSSI
Agenda Item #7

A contract for the above referenced project was awarded to Yarussi Construction Inc. on April 19, 2010 in the amount of $73,600.00.

Subsequent to the start of the project, a significant number of deficient basins and manhole riser sections were detected upon pavement removal. The costs associated with addressing the replacement of the additional drainage structures is $26,285.00, bringing the new project total to $99,885.00. Funding is available in Casino funds code H0812.2008.0812.0449.599.

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: DENTAL COVERAGE, CITY RETIREES, GHI

Agenda Item #8

The City has been using GHI to perform administrative services relative to the dental coverage for City retirees. The understanding between the City and GHI has been memorialized in writing to reflect the duties and responsibilities of the City and GHI. Attached hereto in a copy of the Administrative Services Agreement (on file in Clerk's Office)

Will the Council so approve and authorize the Mayor to execute

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

Yeas 5
Nays 0
APPROVED

CONTRACT: EMPLOYEE ASSISTANCE PROGRAM, FAMILY & CHILDREN'S SERVICES

Agenda Item #9

Attached is a proposed Agreement with Family and Children's Service of Niagara Inc.(on file in Clerk's Office) to provide an Employee Assistance Program for non-uniform employees of the City of Niagara Falls. Funding is included in the 2010 budget and will also be provided for in the 2011 budget.

Will the Council so approve and authorize the Mayor to execute the same?

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

Yeas 5
Nays 0
APPROVED

BLUES FESTIVAL, LASALLE BUSINESS ASSOCIATION

Agenda Item #10

The LaSalle Business Association is once again sponsoring it's third annual Blues Festival on July 25, 2010. Attached is a letter and budget summary (on file in Clerk's Office). The City has been asked to contribute the sum of $4,600.00 towards the cost of this Festival as per the budget attached. Funding is available from Tourism Fund balance.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

POLICE DEPARTMENT, BYRNE JUSTICE ASSISTANCE GRANT, BURGLARY REDUCTION INITIATIVE

Agenda Item #11

The Police Department has received the above referenced grant in the amount of $40,000 (on file in Clerk's Office).

No City match is required under this grant.

Will the Council approve acceptance of this grant and authorize the Mayor to execute any required documentation?

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

Yeas	5
Nays	0
	APPROVED

COMMUNITY OUTREACH PROGRAM, FUNDING

Agenda Item #12

The Dominion Life Christian Center is hosting a Community Outreach Program in the LaSalle section of the City at 70th Street and Girard Avenue on July 10, 2010. The purpose of this program is to provide music, games, food, prizes and fellowship with residents of the LaSalle area. The Center has asked the City for a $500.00 sponsorship contribution in order to help defray expenses. Funding is available from the City Council Contingency Fund.

Will the Council so approve and authorize the Mayor to execute the same?

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

Yeas	5
Nays	0
	APPROVED

CLAIM: MCINTYRE, JAMES M.

Agenda Item #13

Date Claim Filed:	January 25, 2010
Date Action Commenced:	N/A
Date of Occurrence:	January 3, 2010
Location:	Wrought iron fence located at 729 Main Street
Nature of Claim:	Property damage sustained while plowing with City vehicle
City Driver:	Rick J. Williams
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$524.88
Make Check Payable to:	James M. Mcintyre
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yeas	5
Nays	0
	APPROVED

CLAIM: FREEMAN, ANGELINE

Agenda Item #14

Date Claim Filed:	February 2, 2010
Date Action Commenced:	N/A
Date of Occurrence:	January 7, 2010
Location:	1353 104th Street, Niagara Falls, New York
Nature of Claim:	Mailbox damage sustained in an accident with City vehicle.
City Driver:	Brian Ray
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$59.66
Make Check Payable to:	Angeline Freeman
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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: MANNARINO, ELIZABETH, HONORING, 2010-59

Agenda Item #15

RELATIVE TO CONGRATULATION ELIZABETH MANNARINO

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, Elizabeth Mannarino was in the 12th Grade at Niagara Falls High School this year when her independent study art teacher, Mr. Lynch, asked her to paint a board for the Board of Education building; and

WHEREAS, she decided to incorporate the history of Niagara Falls on her board. She gathered information from around the city as well as the NFHS library which included maps and historic information. After the painting was complete, it was placed into the hallway of the school which received great support and compliments; and

WHEREAS, Ms. Mannarino gives thanks to those who inspired her which included every teacher, dean, principal and student that stopped by with their encouragement. She would like to give special thanks to her teacher, Mr. Lynch, who inspired her to do her best and never give up; and

WHEREAS, this fall, Ms. Mannarino will be studying Architecture at Carnegie Mellon University and plans to continue with her painting.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council congratulates Ms. Elizabeth Mannarino for her artistic work on the History of the City of Niagara Falls painting which is now displayed in the atrium of City Hall on Main Street in Niagara Falls, New York. We encourage all citizens to stop by and view this amazing piece of art.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: INTERMODAL TRANSPORTATION CENTER, ACQUISITION OF PROPERTY, 2010-60

Agenda Item #16
RELATIVE TO ACQUISITION OF PROPERTY RELATED TO THE NIAGARA FALLS INTERMODAL TRANSPORTATION CENTER PIN 5756.28

BY: Council Chairman Samuel Fruscione

WHEREAS, the City of Niagara Falls in conjunction with the New York State Department of Transportation, is currently progressing the project to build the Niagara Falls Intermodal Transportation Center (PIN 5756.28); and

WHEREAS, the New York State Department of Transportation requires the City to agree to accept ownership of any property acquired by the State or rights therein to all involved property in connection with the project; and

WHEREAS, these parcels are more particularly identified as Parcels 1 through 23 on Maps 1 through 6.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls hereby agrees to accept all acquired property from the State or its agencies and to keep the property for the length of time required; and

BE IT FURTHER RESOLVED, that the Mayor of the City of Niagara Falls is authorized to execute any agreements or documents necessary to effectuate the purposes of this resolution.

Yeas 5
Nays 0

ADOPTED

LOCAL LAW: RELATIVE TO FLOOD DAMAGE PREVENTION, 2010-3

Agenda Item #17
A local law for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36

SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

The City Council of the City of Niagara Falls finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the City of Niagara Falls and that such damages may include: destruction or loss of private and public housing, damage to public facili-ties, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this lo-cal law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) regulate uses which are dangerous to health, safety and property due to water or erosion ha-zards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) require that uses vulnerable to floods, including facilities which serve such uses, be pro-tected against flood damage at the time of initial construction;

(3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) control filling, grading, dredging and other development which may increase erosion or flood damages;

(5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;

(6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:
(1) to protect human life and health;
(2) to minimize expenditure of public money for costly flood control projects;
(3) to minimize the need for rescue and relief efforts associated with flooding and generally un-dertaken at the expense of the general public;
4) to minimize prolonged business interruptions;
(5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
(6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
(7) to provide that developers are notified that property is in an area of special flood hazard; and,
(8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0
DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable appli-cation.
"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.
"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insur-ance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
"Area of special flood hazard" is the land in the floodplain within a community subject to a one per-cent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or l00-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."
"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.
"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.
"Building" see "Structure"
"Cellar" has the same meaning as "Basement".
"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.
"Critical facilities" means:
(1) Structures or facilities that produce, use, or store highly volatile, flammable, explo-sive, toxic and/or water-reactive materials;

(2) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;

(3)
Police stations, fire stations, vehicle and equipment storage facilities, and emer-gency operations centers that are needed for flood response activities before, during, and after a flood; and

(4) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.
"Cumulative substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.
"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling opera-tions or storage of equipment or materials.
"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a build-ing in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the ele-vated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural in-tegrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.
"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.
"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
(1) the overflow of inland or tidal waters;
(2) the unusual and rapid accumulation or runoff of surface waters from any source.
"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding an-ticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an ab- normal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.
"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.
"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determi-nation of flood- related erosion hazards.
"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Fed-eral Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.
"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk pre-mium zones applicable to the community.
"Flood Insurance Study" see "flood elevation study".
"Floodplain" or **"Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").
"Floodproofing" means any combination of structural and non-structural additions, changes, or ad-justments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
"Floodway" - has the same meaning as "Regulatory Floodway".
"Functionally dependent use" means a use which cannot perform its intended purpose unless it is lo-cated or carried out in close proximity to water, such as a docking or port facility necessary for the load-ing and unloading of

cargo or passengers, shipbuilding, and ship repair facilities. The term does not in-clude long-term storage, manufacturing, sales, or service facilities.
"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construc-tion, next to the proposed walls of a structure.
"Historic structure" means any structure that is:
(1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
(4) individually listed on a local inventory of historic places in communities with historic pres-ervation programs that have been certified either:
(i) by an approved state program as determined by the Secretary of the Interior or
(ii) directly by the Secretary of the Interior in states without approved programs.
"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.
"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An un-finished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclo-sure is not built so as to render the structure in violation of the applicable non-elevation design require-ments of this Local Law.
"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"
"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other da-tum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
"Mobile home" - has the same meaning as "Manufactured home".
"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any sub-sequent improvements to such structure.
"One hundred year flood" or **"100-year flood"** has the same meaning as "Base Flood".
"Principally above ground" means that at least 5l percent of the actual cash value of the structure, ex-cluding land value, is above ground.
"Recreational vehicle" means a vehicle which is:
(1) built on a single chassis;
(2) 400 square feet or less when measured at the largest horizontal projections;
(3) designed to be self-propelled or permanently towable by a light duty truck; and
(4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water sur-face elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Start of construction" means the date of permit issuance for new construction and substantial im-provements to existing structures, provided that actual start of construction, repair, reconstruction, reha-bilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or con-struction of columns.
Permanent construction does not include land preparation (such as clearing, excavation, grading, or fill-ing), or the installation of streets or walkways, or excavation for a basement, footings, piers or founda-tions, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is princi-pally above ground, as well as a manufactured home.
"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restor-ing the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sus-tained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative sub-stantial improvement." The term includes structures which have incurred "substantial damage", regard-less of the actual repair work performed. The term does not, however, include either:
(1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code en-forcement official and which are the minimum necessary to assure safe living conditions; or
(2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".
"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.
"Violation" means the failure of a structure or other development to be fully compliant with the com-munity's flood plain management regulations.

SECTION 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the City of Niagara Falls, Niagara County.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the City of Niagara Falls, Community Number 360506, are identified and defined on the following documents prepared by the Federal Emergency Man-agement Agency:
(1) Flood Insurance Rate Map Panel Number:
36063C0168E, 36063C0305E, 36063C0307E, 36063C0309E, 36063C0310E, 36063C0326E, 36063C0327E, 36063C0328E, 36063C0329E
whose effective date is September 17, 2010, and any subsequent revisions to these map pan-els that do not affect areas under our community's jurisdiction.
(2) A scientific and engineering report entitled "Flood Insurance Study, Niagara County, New York, All Jurisdictions" dated September 17, 2010.
The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at:

The office of the Niagara Falls City Clerk, City Hall Room 114, 745 Main Street, Niagara Falls, New York 14301.

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage preven-tion.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than $250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the City of Niagara Falls from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Man-agement Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will oc-cur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the City of Niagara Falls, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any ad-ministrative decision lawfully made there under.

SECTION 4.0
ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Department of Planning, Economic Development and Environmental Services is hereby ap-pointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other devel-opment to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to un-dertake any development in an area of special flood hazard, as shown on the Flood Insur-ance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the na-ture, location, dimensions, and elevations of the area in question; existing or proposed struc-tures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee in an amount as set from time to time by resolution of the City Council. In addition, the applicant shall be responsible for reimbursing the City of Niagara Falls for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than $500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

(1) The proposed elevation, in relation to mean sea level, of the lowest floor (including base-ment or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permitee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

(2) The proposed elevation, in relation to mean sea level, to which any new or substantially im-proved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permitee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

(3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.

(4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDEN-TIAL STRUCTURES.

(5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be sub-mitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, compu-tations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administra-tor, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

(6) A technical analysis, by a licensed professional engineer, if required by the Local Adminis-trator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

(7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehi-cle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issu-ing a floodplain development permit:

(1) Review all applications for completeness, particularly with the requirements of sub-section 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.

(2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-1 SUBDIVISION PROPOSALS.

(3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and in-creased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.
If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.
(4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

(1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Fed-eral, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other pro-posed development meet the requirements of this law.
(2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to estab-lish flood elevations within the areas of special flood hazard, for the purposes of this law.

4.4-3 ALTERATION OF WATERCOURSES

(l) Notification to adjacent communities and the New York State Department of Envi-ronmental Conservation prior to permitting any alteration or relocation of a water-course, and submittal of evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
(2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not dimin-ished.

4.4-4 CONSTRUCTION STAGE

(1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are avail-able, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recre-ational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
(2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the pro-ject unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic in-spections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

(1) The Local Administrator shall issue, or cause to be issued, a stop work order for any flood-plain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
(2) The Local Administrator shall issue, or cause to be issued, a stop work order for any flood-plain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a

stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7 CERTIFICATE OF COMPLIANCE

(l) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compli-ance has been issued by the Local Administrator stating that the building or land con-forms to the requirements of this local law.

(2) A certificate of compliance shall be issued by the Local Administrator upon satisfac-tory completion of all development in areas of special flood hazard.

(3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the follow-ing:

(1) Floodplain development permits and certificates of compliance;

(2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a base-ment;

(3)
Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement;

(4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,

(5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

SECTION 5.0

CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational ve-hicle parks and subdivisions):

(l) Proposals shall be consistent with the need to minimize flood damage;

(2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,

(3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 ENCROACHMENTS

(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(i) the applicant demonstrates that the cumulative effect of the proposed devel-opment, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,

(ii) the City of Niagara Falls agrees to apply to the Federal Emergency Man-agement Agency (FEMA)for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Niagara Falls for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Niagara Falls for all costs related to the final map re-vision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Flood-way Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construc-tion, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,

(ii) the City of Niagara Falls agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analy-ses and mapping and reimburses the City of Niagara Falls for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Niagara Falls for all costs re-lated to the final map revisions.

(3) Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compen-sated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be con-structed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

5.2 STANDARDS FOR ALL STRUCTURES

5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for re-sisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

(l) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

(2) New construction and substantial improvements to structures shall be constructed us-ing methods and practices that minimize flood damage.

(3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are use-able solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydro-static flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed profes-sional engineer or architect or meet or exceed the following minimum criteria:

(i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(ii) the bottom of all such openings no higher than one foot above the lowest ad-jacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

(1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and ac-cumulating within the components during a flood and to resist hydrostatic and hydro-dynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also elevated or designed to prevent water from entering and accumu-lating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

(2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(3) New and replacement sanitary sewage systems shall be designed to minimize or elimi-nate infiltration of flood waters. Sanitary sewer and storm drainage systems for build-ings that have openings below the base flood elevation shall be provided with auto-matic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

(4) On-site waste disposal systems shall be located to avoid impairment to them or con-tamination from them during flooding.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures lo-cated in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

(1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.

(2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

(3) Within Zone AO, new construction and substantial improvements shall have the low-est floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).

(4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Sec-tion 5.2, STANDARDS FOR ALL STRUCTURES.

(1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are avail-able, new construction and substantial improvements of any non-residential structure shall either:

(i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or

(ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substan-tially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(2) Within Zone AO, new construction and substantial improvements of non-residential struc-tures shall:

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii)

(3) If the structure is to be floodproofed, a licensed professional engineer or architect shall de-velop and/or review structural design, specifications, and plans for construction. A Flood-proofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

(4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

(5)

Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

(1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

(i) be on site fewer than 180 consecutive days,

(ii) be fully licensed and ready for highway use, or

(iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is at-tached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately an-chored foundation system to resist flotation, collapse and lateral movement.

(3) Within Zone A, when no base flood elevation data are available, new and substantially im-proved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an ade-quately anchored foundation system to resist flotation, collapse or lateral movement.

(4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).

5.6
CRITICAL FACILITIES

In order to prevent potential flood damage to certain facilities that would result in serious danger to life and health, or widespread social or economic dislocation, no new critical facility shall be located within any Area of Special Flood Hazard, or within any 500-year flood zone shown as a B zone or a Shaded X zone on the Community's Flood Insurance Rate Maps.

SECTION 6.0
VARIANCE PROCEDURE

6.1 APPEALS BOARD

(l) The Board of Appeals as established by the Charter of the City of Niagara Falls shall hear and decide appeals and requests for variances from the requirements of this local law.

(2) The Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforce-ment or administration of this local law.

(3) Those aggrieved by the decision of the Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

(4) In passing upon such applications, the Board of Appeals, shall consider all technical evalua-tions, all relevant factors, standards specified in other sections of this local law and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the commu-nity;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
(x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
(xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
(xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
(5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Board of Appeals may attach such conditions to the granting of variances as it deems neces-sary to further the purposes of this local law.
(6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES
(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with ex-isting structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
(2) Variances may be issued for the repair or rehabilitation of historic structures upon determi-nation that:
(i) the proposed repair or rehabilitation will not preclude the structure's continued des-ignation as a "Historic structure"; and
(ii) the variance is the minimum necessary to preserve the historic character and de-sign of the structure.
(3) Variances may be issued by a community for new construction and substantial improve-ments and for other development necessary for the conduct of a functionally dependent use provided that:
(i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
(ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
(4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
(5) Variances shall only be issued upon a determination that the variance is the minimum neces-sary, considering the flood hazard, to afford relief.
(6) Variances shall only be issued upon receiving written justification of:
(i) a showing of good and sufficient cause;
(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nui-sances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
(7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
(i) the issuance of a variance to construct a structure below the base flood level will re-sult in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and
(ii) such construction below the base flood level increases risks to life and property.
Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

Be it enacted this _____ day of _____, 20___ by the _____ of the _____ _____, _____ County, New York, to be effective _____.

_____
_____
_____
_____
_____
_____

SEAL

_____
ATTEST_____CLERK

Attachment A
MODEL FLOODPLAIN DEVELOPMENT APPLICATION FORM

i APPLICATION #_____ Page 1 of 4

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

This form is to be filled out in duplicate.

SECTION 1: GENERAL PROVISIONS (**APPLICANT** to read and sign):

1. No work may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Compliance is issued.
5. The permit is invalid if no work is commenced within six months of issuance, and expires 2 years from date of issu-ance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory re-quirements.
7. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. I, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

(APPLICANT'S SIGNATURE) DATE

SECTION 2: PROPOSED DEVELOPMENT (To be completed by **APPLICANT)**

NAME ADDRESS TELEPHONE

APPLICANT

_____

BUILDER

_____

ENGINEER

_____

PROJECT LOCATION:

To avoid delay in processing the application, please provide enough information to easily identify the project location. Pro-vide the street address, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersect-ing road or well-known landmark. A map attached to this application, and a sketch showing the project layout would be helpful.

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DESCRIPTION OF WORK (Check all applicable boxes):

A. STRUCTURAL DEVELOPMENT

ACTIVITY STRUCTURE TYPE

G New Structure G Residential (1-4 Family)
G Addition G Residential (More than 4 Family)
G Alteration G Non-residential (Floodproofing? G Yes)
G Relocation G Combined Use (Residential & Commercial)
G Demolition G Manufactured (Mobile) Home
G Replacement (In Manufactured Home Park? G Yes G No)

ESTIMATED COST OF PROJECT $_____

B. OTHER DEVELOPMENT ACTIVITIES:

G Fill G Mining G Drilling G Grading
G Excavation (Except for Structural Development Checked Above)

G Watercourse Alteration (Including Dredging and Channel Modifications)
G Drainage Improvements (Including Culvert Work), Stormwater Control Structures or Ponds
G Road, Street or Bridge Construction
G Subdivision (New or Expansion)
G Individual Water or Sewer System
G Other (Please Specify)_____
After completing SECTION 2, APPLICANT should submit form to Local Administrator for review.

SECTION 3: FLOODPLAIN DETERMINATION (To be completed by **LOCAL ADMINISTRATOR)**

The proposed development is located on FIRM Panel No. , Dated .
The Proposed Development:
G The proposed development is reasonably safe from flooding. Entire property is in Zone B, C or X.
G The proposed development is in adjacent to a flood prone area.
100-Year flood elevation at the site is:
_____Ft. G NGVD 1929/ G NAVD 1988 (MSL)
G Unavailable
G See Section 4 for additional instructions for development that is or may be in a flood prone area.
SIGNED DATE
APPLICATION #_____ PAGE 3 of 4

SECTION 4: ADDITIONAL INFORMATION REQUIRED (To be completed by **LOCAL ADMINISTRATOR**)

The applicant must submit the documents checked below before the application can be processed:
G A site plan showing the location of all existing structures, water bodies, adjacent roads, lot dimensions and pro-posed development.
G Development plans and specifications, drawn to scale, including where applicable: details for anchoring struc-tures, proposed elevation of lowest floor (including basement), types of water resistant materials used below the first floor, details of floodproofing of utilities located below the first floor, details of enclosures below the first floor, openings in foundation for entry and exit of floodwaters.
Other_____
G Elevation Certificate
G Subdivision or other development plans (If the subdivision or other development exceeds 50 lots or 5 acres, whichever is the lesser, the applicant must provide 100-year flood elevations if they are not otherwise avail-able).
G Plans showing the watercourse location, proposed relocations, Floodway location.
G Topographic information showing existing and proposed grades, location of all proposed fill.
G Top of new fill elevation _____Ft. G NGVD 1929/ G NAVD 1988 (MSL)
G PE Certification of Soil Compaction
G Floodproofing protection level (non-residential only) G NGVD 1929/ G NAVD 1988 (MSL)
For floodproofed structures, applicant must attach certification from registered engineer or architect.
G Other: _____
_____
_____

SECTION 5: PERMIT DETERMINATION (To be completed by **LOCAL ADMINISTRATOR**)

I have determined that the proposed activity: A. G Is
B. G Is not
in conformance with provisions of Local Law #_____, (yr)_____. This permit is herby issued subject to the condi-tions attached to and made part of this permit.
SIGNED_____, DATE_____
If BOX A is checked, the Local Administrator may issue a Development Permit upon payment of designated fee.
If BOX B is checked, the Local Administrator will provide a written summary of deficiencies. Applicant may revise and resubmit an application to the Local Administrator or may request a hearing from the Board of Appeals.
Expiration Date: _____ 206

APPEALS: Appealed to Board of Appeals? G Yes G No
Hearing date:_____
Appeals Board Decision --- Approved? G Yes G No
Conditions:

_____
_____
_____

SECTION 6: AS-BUILT ELEVATIONS (To be submitted by **APPLICANT** before Certificate of Compliance is issued)

The following information must be provided for project structures. This section must be completed by a registered profes-sional engineer or a licensed land surveyor (or attach a certification to this application). Complete 1 or 2 below.

1. Actual (As-Built) Elevation of the top of the lowest floor, including basement (in Coastal High Hazard Areas, bot-tom of lowest structural member of the lowest floor, excluding piling and columns) is: FT. G NGVD 1929/ G NAVD 1988 (MSL).

Attach Elevation Certificate FEMA Form 81-31

2. Actual (As-Built) Elevation of floodproofing protection is FT. G NGVD 1929/ G NAVD 1988 (MSL).

Attach Floodproofing Certificate FEMA Form 81-65

NOTE: Any work performed prior to submittal of the above information is at the risk of the Applicant.

SECTION 7: COMPLIANCE ACTION (To be completed by **LOCAL ADMINISTRATOR**)

The **LOCAL ADMINISTRATOR** will complete this section as applicable based on inspection of the project to ensure com-pliance with the community's local law for flood damage prevention.

INSPECTIONS: DATE_____BY_____DEFICIENCIES? G YES G NO
DATE_____BY_____DEFICIENCIES? G YES G NO
DATE_____BY_____DEFICIENCIES? G YES G NO

SECTION 8: CERTIFICATE OF COMPLIANCE(To be completed by **LOCAL ADMINISTRATOR**)

Certificate of Compliance issued: DATE: _____
BY: _____

Attachment B

SAMPLE
CERTIFICATE OF COMPLIANCE
for Development in a Special Flood Hazard Area

CERTIFICATE OF COMPLIANCE
FOR DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA
(Owner Must Retain This Certificate)

Premises located at:
_____
_____
_____
_____
Owner: _____
Owner's Address: _____
_____
_____
_____
Permit No. ____Permit Date: _____
Check One:
New Building
Existing Building
Fill
Other:
The Local Floodplain Administrator is to complete a. or b. below:
a. Compliance is hereby certified with the requirements of Local Law No. , (yr) .
Signed: Dated:
b. Compliance is hereby certified with the requirements of Local Law No. , (yr) , as modi-fied by variance no. , dated .
Signed: Dated: _____
Yeas 5
Nays 0

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:40 p.m.

Carol A. Antonucci
City Clerk

July 12, 2010

August 25, 2010

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

August 18, 2010

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 the City Charter, to be held on Wednesday, August 25th, 2010 at 10:00 AM in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. To authorize the Mayor to execute a Memorandum of Understanding with the Niagara Falls Veterans Memorial Commission, Inc., (the "Commission") detailing the plan of the Commission to construct a monument at Hyde Park honoring all soldiers, sailors, marines and airmen from Niagara Falls who have given their lives fighting for the United States of America and the city's grant of $500,000 as a contribution to the cost of construction.

Respectfully submitted,

Samuel Fruscione
Council Chairman

The August 25, 2010 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Sam Fruscione at 10:10 a.m. in the Council Chambers.

Present: Council Chairman Sam Fruscione, Council Members Robert Anderson, Jr., Steve Fournier, Kristen Grandinetti, Charles Walker – 5.

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

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

Corporation Counsel Craig Johnson distributed copies of an item to be added to the Agenda relative to use of 25 Parking Spaces at the City owned lot at 105 Rainbow Blvd. by NTCC.

Council Member Fournier moved to add the item to the Agenda

Yeas 5

Nays 0

MOTION TO ADD ITEM TO AGENDA APPROVED

Item was added to the Agenda as Item #2

VETERANS MEMORIAL COMMISSION, MEMORANDUM OF UNDERSTANDING

Agenda Item #1

Approval of Memorandum of Understanding with the Niagara Falls Veterans Memorial Commission Inc.
(Item on file in City Clerk's Office)

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

Yeas 5

Nays 0

APPROVED

NTCC, USE OF PARKING SPACES AT CITY OWNED LOT

Agenda Item #2

The NTCC has requested that the City make available 25 parking spaces at the City-owned municipal parking lot located at 105 Rainbow Boulevard. These parking spaces will be utilized by the NTCC for staff members and also for visitors to its new building. The NTCC will pay forty dollars per space per month. The term will be from August 25, 2010 through and including March 31, 2011 (agreement on file in City Clerk's Office)

Will the Council so approve and authorize the Mayor to execute the same?

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

Yeas 5

Nays 0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Special Meeting at 10:12 a.m.

Carol A. Antonucci
City Clerk

July 26, 2010

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

The first session of the July 26,2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Steve Fournier, Kristen Grandinetti and Charles Walker.
Absent: Council Member Robert Anderson

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of July 12, 2010.

Yeas	4
Nays	0
	ADOPTED

Clinton Brown gave an update on the Niagara City Lofts Project, and noted that, while the Project has been delayed due to the economy, a funding advance from Empire State Development will move the Project forward. The Project will take 18 – 24 months to complete once all the necessary preliminary steps fall into place.

Randy Ubriaco gave a report on the Landlord Registration Ordinance, and the progress on compliance to date.

Senior Planner Thomas DeSantis gave a presentation on the Niagara Falls International Railway Station and Intermodal Transportation Center, showing the timeline for the Project. Grant Coordinator Sherry Shepherd-Corulli added that she is working with Mr. DeSantis's Department on grant applications for the Project.

In the Administrative Update:
1. City Administrator Donna Owens reported that the 11th Street Basketball Court Project will be started on August 9, and Phase I should be completed by September 21. In response to Council Member Walker's questions, she added that the running track will remain.
2. Director of Public Works David Kinney said that he is working on signage requests of the Tourism Advisory Board as well as signage for the Rainbow Lot and inside the Parking Ramp. He also noted that the Parking Ramp is being re-lamped, and Mayor Paul Dyster added that he is working on having uniform signage in the Greenway Areas.
3. City Administrator Owens spoke on National Night Out, to be held on July 27, and the anniversary celebration of the Americans with Disabilities Act to be held at Hyde Park on July 27.

Corporation Counsel Craig Johnson informed the Council Members that corrections were needed on four Agenda Items, and asked for motions for the amendments.

1. Council Member Grandinetti moved to amend Agenda Item #17 by increasing the amount of the base bid.

Yeas	4
Nays	0
	MOTION TO AMEND APPROVED

2. Council Member Fournier moved to amend Agenda Item #18 by decreasing the amount of the base bid.

Yeas 4
Nays 0

MOTION TO AMEND APPROVED

3. Council Member Grandinetti moved to amend Agenda Item #19 by decreasing the amount of the base bid.

Yeas 4
Nays 0

MOTION TO AMEND APPROVED

4. Council Member Fournier moved to amend Agenda Item #20 by decreasing the amount of the base bid.

Yeas 4
Nays 0

MOTION TO AMEND APPROVED

Mr. Johnson distributed copies of four Items to be added to the Agenda:

1. A communication relative to funding for portable restrooms for the Hard Rock Café Concert Series.

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

Yeas 4
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #36.

2. A communication relative to correction of CDBG Paving Reimbursement.

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

Yeas 4
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #37.

3. A communication relative to awarding the contract for drainage structure replacement and repair Project II to Yarussi Construction.

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

Yeas 4
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #38.

4. A communication relative to awarding the contract for roof replacements to Jos. A. Sanders.

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

Yeas 4
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #39.

Council Member Grandinetti asked for an explanation of Agenda Item #2, relative to the purchase and planting of trees. Mrs. Shepherd-Corulli explained that the project would be funded with stimulus funds from the Department of Energy under an energy savings program to plant trees around power lines, and there was no requirement for matching funds from the City.

Mayor Dyster noted that part of the work for the Milling and Overlay Resurfacing Project (Agenda Item #5) would be done on Buffalo Avenue, as requested by Council Member Anderson.

Chairman Fruscione requested that the area between 61st and 82nd Streets be focused on for the Asphalt Zipper Project (Agenda Item #8).

This Session ended at 5:00 PM

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with Council Member Anderson absent. The Chairman 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:

Nicholas D'Agostino	Items #9, 11, 34, 36
Kori Huston	Memorial to Martin Luther King in the City
Emma Chapman	Landlord Registration Ordinance-privacy issues with information
Joseph Urso	City hiring practices
Ken Hamilton	Repairs by Water Board at Word of Life Church, Hope VI Project applications, running track at Abbott/Legends Basketball Courts, Train Station economic spinoff, name change for Niagara Street School
Nicholas D'Agostino	Honoring local African Americans, new Fire Chief should be local person
Jason Chilcote	non working fire hydrants, Lincoln Place Street repairs, walking Police Beat on Main St from Ontario to Willow Aves.
Robert Pascopl	good work by Zoom Team but give out of town owners additional time to make repairs, damage by renters

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK

Agenda Item #1
City Clerk's Report for the month of June, 2010
This Item was received and filed

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: TREES, SCHICTEL'S NURSERY, INC.

Agenda Item #2

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

TO: Schictel's Nursery, Inc.
7420 Peters Road
Springville, NY 14141

FOR: Purchase of 346 trees as per the attached tally sheet: $18,554.00

TO: Stedman's Old Farm Nurseries, inc.
2857 Main Street
Newfane, NY 14108

FOR: Purchase and planting of 150 trees as per the attached tally sheet: $21,920.00

TOTAL: $40,474.00

The City Purchasing Agent 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. Seven (7) bids were received (on file in Clerk's Office). The above referenced companies submitted the lowest prices for each respective item.

Funds for this expenditure are available in grant codes: S8400.8402.0419.004 and S8400.8402.0449.599.

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

Yeas	4
Nays	0

APPROVED

PURCHASE: STUMPER, L.C. WHITFORD EQUIPMENT CO., INC.

Agenda Item #3

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

TO: L.C. Whitford Equipment Co., Inc.
164 North Main Street
PO Box 663
Wellsville, NY 14895 .

FOR: Rayco model RG 140 DXH tow-behind stump cutter: $48,697.00

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. One bid was received.

Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0250.000.

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

Yeas 4
Nays 0
APPROVED

PURCHASE: CONCRETE, UNITED MATERIALS

Agenda Item #4

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

TO: United Materials
3949 Forest Parkway
Suite 400
North Tonawanda, NY 14120

FOR:

Concrete 3500 PSI, ASTM size 7:	$94.58/cu. yd.
Concrete 3500 PSI, ASTM size 67:	94.58/cu. yd.
Concrete 4000 PSI ASTM size 7:	96.92/cu. yd.

Additional charges:

Heated Aggregate: 10/15-10/31 and 4/15-4/30 (hot water):	4.00/cu. yd.
Heated Aggregate: 11/1-4/15 (winter charge):	8.00/cu. yd.
Retarder Agent:	2.44/cu. yd.
Calcium (1% dosage):	6.84/cu. yd.
Short Load Charge, 6 cu. yd. and under:	75.00/load
Waiting Time:	1.25/minute
Fuel Surcharge:	10.00/load

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to two (2) vendors. One bid was received.

Funds for these expenditures are available in various departments Construction/Repair Materials code: .0419.006.

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

Yeas 4
Nays 0
APPROVED

CONTRACT: MILL AND OVERLAY RESURFACING PROJECT, ACCADIA SITE CONTRACTING, INC.

Agenda Item #5
The following was the result of bids received on July 13, 2010, for the above referenced project:

CONTRACTOR	**BASE BID**
Accadia Site Contracting, Inc. 5636 Transit Road Depew NY 14043	$ 852,968.35
Mark Cerrone, Inc.	$ 880,635.00
Yarussi Construction, Inc.	$ 894,616.75

It is the recommendation of the undersigned that this project be awarded to Accadia Site Contracting, Inc. at its Base Bid of $ 852,968.35. Funding is available in code H0812.2008.0812.0449.599.

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

Yeas 4
Nays 0
APPROVED

PUBLIC WORKS/PARKS DEPARTMENT, OVERTIME FUNDING

Agenda Item #6

It is requested that $200,539 be made available to the Department of Public Works/Parks Department in order to continue projects described on the attached sheets (on file in Clerk's Office). Funding is available from Special Projects Fund balance.

Will the Council so approve?

Council Member Fournier moved to Amend the Communication to establish how the funds will be disbursed.

Yeas 4
Nays 0
AMENDMENT APPROVED

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

Yeas 4
Nays 0
APPROVED

ONTARIO HOUSE JAZZ REUNION, FUNDING

Agenda Item #7

The City is once again the co-sponsor of the 5th Annual Ontario House Jazz Reunion. This event will take place Downtown on September 4, 2010 on Old Falls Street. The City has been asked for a sum of up to $9,000 to help fund this event as per the attached budget (on file in Clerk's Office). Funding is available through Tourism Fund.

Will the Council so approve and authorize the Mayor to enter into a Letter Agreement with the Promoter, Outside the box, attached hereto?

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

Yeas 4
Nays 0
APPROVED

ASHPHALT ZIPPER PROJECT, FUNDING

Agenda Item #8

In an effort to continue with the City's Street Paving Project it is requested that $105,000 be made available to the Department of Public Works to commence Asphalt Zipper work on Buffalo Avenue. Funding is available from Casino revenues and will be used as per the attached sheet (on file in Clerk's Office).

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

Yeas 4
Nays 0
APPROVED

POLICE DEPARTMENT, GRANT

Agenda Item #9

The Niagara Falls Police Department has received an award from the State of New York for $323,465 for Operation IMPACT during July 1, 2010 through June 30, 2011.

No matching funds are required for this grant.

Will the Council approve the acceptance of this grant and authorize the Mayor and Police Chief to execute any documentation necessary to receive the grant?

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

Yeas 4
Nays 0
APPROVED

TRAIN STATION PROJECT, AGREEMENT IN PRINCIPLE

Agenda Item #10

The attached Agreement (on file in Clerk's Office) in Principle with Amtrak will aid in the process of applying for various Federal and other grants related to the Train Station Project.

This Agreement does not bind the City to any final arrangements related to the Train Station which will be the subject of future negotiations and agreements.

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

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

Yeas 4
Nays 0
APPROVED

MILLING AND OVERLAY ACCOUNT, REPLACEMENT OF CATCH BASINS

Agenda Item #11

The Council has previously allocated Casino Funds for street millings and overlays and to the replacement of catch basins.

It is requested that $100,000 be reallocated from the Millings and Overlays Account to the replacement of catch basins.

Will the Council so approve?

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

Yeas 4
Nays 0
APPROVED

ICE PAVILION, LOCKER ROOM ADDITIONS, PROPOSAL, DIDONATO ASSOCIATES, PE, PC

Agenda Item #12

The City has received a proposal from DiDonato Associates, PE, PC to design and prepare construction documents for locker room additions at the Ice Rink in the amount of $108,000.

Funding will be by an appropriation of $108,000 from the Special Projects Fund Balance.

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

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

Yeas	4
Nays	0
	APPROVED

CONTRACT: CARNEGIE BUILDING, RE-LAMPING, LIME ENERGY

Agenda Item #13

The City has received a proposal from Lime Energy to re-lamp the Carnegie Building in the amount $5,461.46.

The new lights will provide energy savings and improved efficiency.

Funding is available in account A.1620.2320.0449.599.

Will the Council so approve?

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

Yeas	4
Nays	0
	APPROVED

CITY CLERK'S OFFICE, REORGANIZATION

Agenda Item #14

As a result of a recent termination in the City Clerk's office there is an opportunity to eliminate an Account Clerk position and substitute it for a Junior Account Clerk position. This reorganization, if approved by the City Council, will take effect on Tuesday, July 27, 2010. The approximate annual savings from this reorganization will be approximately $4,000 as shown on the attached worksheet (on file in Clerk's Office).

Will the Council so approve?

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

Yeas	4
Nays	0
	APPROVED

CONTRACT: DEMOLITION, CORRECTION OF ADDRESS

Agenda Item #15

On July 12, 2010, the City Council approved the award of demolition contract CD2010-2. The listing provided to Council of houses to be demolished incorrectly included 411 Eighth Street. The correct address, which was included in all the bid documents provided to the bidding contractors, is 414 Eighth Street.

Will the Council receive this information as a received and filed item?
THIS ITEM WAS RECEIVED AND FILED

CONTRACT: WEST MALL PROJECT, OLD FALLS STREET, MARK CERRONE, INC, CHANGE ORDER #4

Agenda Item #16

A contract for the above referenced project was awarded to Mark Cerrone Inc. on September 29, 2008 and subsequent addition for a total amount of $4,451,841.09.

During the course of work, conditions within the work area as well as unanticipated alterations necessitated changes in the original project's scope. The tasks listed below are additions to the original contract and alteration that were not included, but were added by the City and USA Niagara as conditions warranted.

A. Change Order Request #18 - $417.38
   a. Restoration of turf along Prospect Street
B. Change Order Request #23 - $4,887.52
   a. Additional work and polymeric sand for retrofit tree pit
C. Change Order Request #24 - $3,904.69
   a. Additional granite sets and additional shipping costs associated with Eurocobble associated with Bulletin #3.
D. Change Order Request #25 - $1,085.21
   a. Additional work associated with new hydrant installations within Phase II limits
E. Change Order Request #26 - $783.72
   a. Additional survey and stakeout associated with Bulletin #3
F. Change Order Request #27 - $15,866.54
   a. Waterproofing of underground electrical vault
G. Change Order Request #29 - $214.20
   a. Asbestos sampling & testing; existing electrical vault waterproofing
H. Change Order Request #30 - $0.00
   a. Time extension 24 Days
I. Change Order Request #31 - $1,650.43
   a. No climbing signs at fountain area
J. Change Order Request #32 - $690.70
   a. Supply additional traffic barricades
K. Change Order Request #33 - $12,528.63
   a. Relocation of existing electric meters
L. Change Order Request #34 - $2,472.97
   a. Street name signs at Old Falls and Prospect
M. Change Order Request #35 - $32,743.81
   a. Vault area redesign – Phase 1, Seat-wall & Planter
N. Change Order Request #36 - $1,720.03
   a. Modifications to trench drains due to Bulletin #5
O. Change Order Request #37 - $2,825.26
   a. Furnish & install plantings for new seat-wall planters

It is the recommendation of the undersigned that Change Order #4 be approved in the amount of $ 81,791.09 bringing the new contract total to $4,533,632.18, which will be funded by USA Niagara Corporation.

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

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

Yeas	4
Nays	0

APPROVED

CONTRACT: CUSTOMHOUSE RESTORATION PROJECT, PLUMBING CONTRACTOR, J.R. SWANSON PLUMBING CORP.

Agenda Item #17

RESTORATION PROJECT – PIN 5758.04 (PLUMBING CONTRACTOR)

The following was the result of bids received on July 8, 2010, for the above referenced project:

CONTRACTOR	BASE BID
J.R. Swanson Plumbing Corp. 413 103rd St Niagara Falls NY 14304	$94,250.00
MKS Plumbing Inc.	$115,400.00
Ackerman Plumbing Inc.	$123,837.00

It is the recommendation of the undersigned that this project be awarded to the low bidder J.R. Swanson Plumbing Corporation, at their Total Bid of $94,250.00.

Our design consultant Wendel Duchscherer Architects & Engineers has reviewed and recommended award of this project to the above-referenced contractor. Similarly, the New York State Department of Transportation has reviewed the proposal package and granted permission to award. Please note that this award is contingent pending receipt of an executed agreement between the City of Niagara Falls and New York State Department of Transportation.

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

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

Yeas 4
Nays 0

APPROVED

CONTRACT: CUSTOMHOUSE RESTORATION PROJECT, ELECTRICAL CONTRACTOR, INDUSTRIAL POWER & LIGHTING

Agenda Item #18

The following was the result of bids received on July 8, 2010, for the above referenced project:

CONTRACTOR	BASE BID
Industrial Power & Lighting 701 Seneca Street Buffalo, NY 14210	$139,000.00
Frey Electric	$145,200.00
CIR Electric	$167,700.00
M & M Electric	$222,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Industrial Power & Lighting, at their Total Bid of $139,000.00.

Our design consultant Wendel Duchscherer Architects & Engineers has reviewed and recommended award of this project to the above-referenced contractor. Similarly, the New York State Department of Transportation has reviewed the proposal package and granted permission to award. Please note that this award is contingent pending receipt of an executed agreement between the City of Niagara Falls and New York State Department of Transportation.

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

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

Yeas 4
Nays 0

APPROVED

CONTRACT: CUSTOMHOUSE RESTORATION PROJECT, GENERAL CONTRACTOR, RESETARITS CONSTRUCTION CORP.

Agenda Item #19

The following was the result of bids received on July 8, 2010, for the above referenced project:

CONTRACTOR	**BASE BID (LESS DEDUCT)**
Resetarits Construction Corp. 1115 Delaware Avenue Buffalo, NY 14209	$1,838,250.00
Walter S. Johnson	$2,201,750.00
Sicoli Construction Services	$2,279,000.00
Sicoli & Massaro	$2,401,100.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Resetaritis Construction Corporation, at their Total Bid of $1,838,250.00.

Our design consultant Wendel Duchscherer Architects & Engineers has reviewed and recommended award of this project to the above-referenced contractor. Similarly, the New York State Department of Transportation has reviewed the proposal package and granted permission to award. Please note that this award is contingent pending receipt of an executed agreement between the City of Niagara Falls and New York State Department of Transportation.

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

Yeas 4
Nays 0

APPROVED

CONTRACT: CUSTOMHOUSE RESTORATION PROJECT, MECHANICAL CONTRACTOR, J.R. SWANSON PLUMBING CORP.

Agenda item #20

The following was the result of bids received on July 8, 2010, for the above referenced project:

CONTRACTOR	**BASE BID**
J.R. Swanson Plumbing Corp. 413 103rd St Niagara Falls NY 14304	$55,100.00
W.C. Roberson Plumbing Inc.	$61,200.00
Greater Niagara Mechanical Inc.	$62,400.00
J. W. Danforth Co. Inc.	$82,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder J.R. Swanson Plumbing Corporation, at their Total Bid of $55,100.00.

Our design consultant Wendel Duchscherer Architects & Engineers has reviewed and recommended award of this project to the above-referenced contractor. Similarly, the New York State Department of Transportation has reviewed the proposal package and granted permission to award. Please note that this award is contingent pending receipt of an executed agreement between the City of Niagara Falls and New York State Department of Transportation.

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

Yeas 4
Nays 0

APPROVED

CLAIM: BERRIGAN, PATRICK

Agenda Item #21
RE: Request for Approval to Settle and Pay Claim of Liberty Mutual Insurance Company a/s/o Patrick Berrigan
2950 Expressway Drive South, Suite 100, PO Box 9004, Islandia, NY 11722

Date Claim Filed:	December 22, 2008
Date Action Commenced:	N/A
Date of Occurrence:	November 5, 2010
Location:	Pine Avenue, 100ft East of Robbins Drive
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Lorrie Alvarez
Status of Action:	Litigation Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$5,161.42
Make Check Payable to:	Liberty Mutual Insurance Company a/s/o Patrick Berrigan
Conditions:	General Release to City and Stipulation of Discontinuance approved by Corporation Counsel.

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

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

Yeas	4
Nays	0

APPROVED

THE FOLLOWING ITEMS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

PINE AVE., 2726, "NO STANDING ANYTIME" SIGNS, DENIAL OF REQUEST

Agenda Item #22

At the Traffic Advisory Commission meeting held on July 7, 2010, the Commission:

DENIED:

1) Request submitted by James L. Fasciano, Proprietor, Dreamland Mattress, 2726 Pine Avenue, to **INSTALL "NO STANDING ANYTIME" SIGNS AROUND THE DRIVEWAY ON THE WEST SIDE OF 2726 PINE AVENUE.** Captain Sal Pino suggested the business owner inform the Police Department when there is a vehicle parked in the area in front of the driveway next to the business and the Police Department will ticket them. In 2002 the Pine Avenue Business Association requested that 'No Standing Any Time" Signs be placed only at the end of the blocks along Pine Avenue to clean up all the "sign clutter" that existed. Therefore the Commission denied this request.

THIS ITEM WAS RECEIVED AND FILED

CEDAR AVE., PARKING ON THE SOUTH SIDE

Agenda Item #23

At a Traffic Advisory Commission meeting held on July 7, 2010 the Commission recommended **APPROVAL** of the following item:

ALLOW PARKING ON THE SOUTH SIDE OF CEDAR AVENUE FROM 7TH STREET TO THE ALLEY BETWEEN 8TH & 9TH STREETS SO THE EXISTING ONE (NORTH) SIDED ONLY OVERNIGHT PARKING & "NO PARKING TUESDAY 7A.M.-1P.M." RESTRICTION CAN BE CHANGED TO ALTERNATE OVERNIGHT PARKING. THIS CHANGE WOULD BE MADE ONCE CONSTRUCTION ON CEDAR AVENUE IS COMPLETED

Submitted By: Debra Aloian, Residential Services Coordinator, Family & Children's Service of Niagara, 1522 Main Street

It is requested that City Council approve this recommendation.

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

Yeas 4
Nays 0
APPROVED

ELMWOOD AND ASHLAND AVENUES, ELIMINATE "NO STANDING ANYTIME" RESTRICTION

Agenda Item #24

At a Traffic Advisory Commission meeting held on July 7, 2010 the Commission recommended **APPROVAL** of the following item:

ELIMINATE THE "NO STANDING ANYTIME" RESTRICTION ON THE EAST SIDE OF 15TH STREET BETWEEN ELMWOOD AVENUE & ASHLAND AVENUE AND ALLOW ALTERNATE OVERNIGHT PARKING

A petition from the residents of this block was received with a minimum of 75% of the occupied houses having signed.

Submitted By: Lewis Divito, 1009 – 15th Street & Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas 4
Nays 0
APPROVED

MAIN STREET, 1302/1316, INSTALL LOADING ZONE

Agenda Item #25

At the Traffic Advisory Commission meeting held on July 7, 2010 the Commission recommended **APPROVAL** of the following item:

RELOCATE THE EXISTING 25' LOADING ZONE (8A.M.– 6P.M.) TO THE NORTH BY 98' & EXPAND IT TO 50' LONG IN FRONT OF 1302/1316 MAIN STREET

Request was made to facilitate a place for transport vans to drop off/pick up elderly clientele in front of 1302/1316 Main Street.

Submitted By: Jeff Paterson, Director of Communication & Advancement, Health Association of Niagara County, Inc., 1302 Main Street

It is requested that City Council approve this recommendation.

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

Yeas 4
Nays 0
APPROVED

PINE AVENUE, 2726, INSTALL LOADING ZONE

Agenda Item #26
At the Traffic Advisory Commission meeting held on July 7, 2010 the Commission recommended **APPROVAL** of the following item:
INSTALL A 30' LOADING ZONE (9A.M.- 5P.M.) IN FRONT OF 2726 PINE AVENUE
Request was made to facilitate a place for clientele to have in and out service in front of 2726 Pine Avenue.
Submitted By: James L. Fasciano. Proprietor, Dreamland Mattress, 2726 Pine Avenue
It is requested that City Council approve this recommendation.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

CARAVELLE DR. & MARINE MEMORIAL DR., INSTALL ALL WAY STOP SIGNS

Agenda Item #27
At a Traffic Advisory Commission meeting held on July 7, 2010, the Commission recommended **APPROVAL** of the following item:
INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION OF CARAVELLE DRIVE & MARINE MEMORIAL DRIVE
Submitted By: Residents of the Caravelle Drive & Marine Memorial Drive area to Mayor Paul Dyster
It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

WOODLAWN AVENUE, 2260, INSTALL HANDICAPPED ACCESS SPACE

Agenda Item #28
At the Traffic Advisory Commission meeting held on July 7, 2010 the Commission recommended **APPROVAL** of the following item:
INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 2260 WOODLAWN AVENUE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Laura Giammarco, 2260 Woodlawn Avenue
It is requested that City Council approve this recommendation.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

VANDERBILT AVENUE, ALTERNATE OVERNIGHT PARKING

Agenda Item #29
At a Traffic Advisory Commission meeting held on July 7, 2010 the Commission recommended **APPROVAL** of the following item:
INSTALL ALTERNATE OVERNIGHT PARKING ON VANDERBILT AVENUE BETWEEN MCKOON AVENUE AND MACKLEM AVENUE
A Petition from the residents of this block was received with 70% signatures.
Submitted By: Brandi Adams, 956 Vanderbilt Avenue and Petition/Residents of Block
It is requested that City Council approve this recommendation.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

RESOLUTION: TURK, ZEBEDEE, HONORING, 2010-61

Agenda Item #30
RELATIVE TO HONORING THE MEMORY OF MR. ZEBEDEE TURK
BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, on July 1st, 2010, Mr. Zebedee Turk passed away at the age of 76 following a brief illness; and

WHEREAS, Mr. Turk was retired from the NFTA after 35 years of service. He was also a Deacon at Damascus Baptist Church and was a member of the International F&AM Mason and order of the Eastern Star; and

WHEREAS, Mr. Turk was known for his contributions to community service. He served on the City of Niagara Falls Planning Board for many years as well as an active volunteer for the Niagara Community Center and many other organizations.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council pay tribute to Mr. Zebedee Turk's contributions throughout his life and to his community service. His outstanding volunteer achievements have enhanced the quality of life for all who knew him. He will be deeply missed.

Yeas 4
Nays 0
ADOPTED

RESOLUTION: 11TH STREET BASKETBALL COURT, RENAMING, 2010-62

Agenda Item #31
RELATIVE TO THE NAMING OF THE 11TH STREET BASKETBALL COURT
BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, in 2009, the Niagara Falls City Council addressed the issue of a basketball court near the Abate Elementary School due to the central location of the facility; and

WHEREAS, while there are plenty of indoor gyms open for children to play basketball in the winter, the gyms and indoor courts are not air-conditioned in the summer placing a need for outdoor places to play. The basketball courts will provide recreational opportunities for our city youth and will be available to youth of all ages, city-wide residents and members of the nearby YMCA; and

WHEREAS, the City has set aside funding dollars to build a new outdoor basketball court and passed a resolution on April 20, 2009 to approve a cooperative venture with the School District relative to the basketball courts in the Harry F. Abate school area; and

WHEREAS, work has progressed in bringing this venture to reality with the completion date in the very near future.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York sets the name of ***"Legends Park"*** as the official name of the 11th Street Basketball Court recreation area. An official dedication of this park will take place shortly after its completion.

Yeas 4
Nays 0
ADOPTED

RESOLUTION: SPECIAL CITIZENS OF PINE AVE., HONORING, 2010-63

Agenda Item #32
RELATIVE TO HONORING THE PINE AVENUE BUSINESS ASSOCIATION'S 2010 SPECIAL CITIZENS OF PINE AVENUE
BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, on Saturday, July 31st and Sunday, August 1st, 2010, the Pine Avenue Business Association will hold their Annual Italian Festival; and

WHEREAS, during the festival, PABA will honor three individuals of Italian decent who have lived and/or worked the majority of their lives in the Pine Avenue business area or neighborhood. These "Cittadini Speciali" or Special Citizens of Pine Avenue were instrumental in making Pine Avenue a vibrant and viable business district; and

WHEREAS, the following Special Citizens will be honored:

Dominic Ceretto
Sam Palermo
Antonio S. Restaino

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the above-named Special Citizens as PABA's "Cittadini Speciali" for 2010.

Yeas 4
Nays 0
ADOPTED

RESOLUTION: MARASCO, ROBERT, HONORING, 2010-64

Agenda Item #33
RELATIVE TO HONORING ROBERT MARASCO
BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, the Pine Avenue Business Association's annual Italian Festival has been a part of the City of Niagara Falls for many years; and

WHEREAS, the festival, not only gives the Italian Community a chance to show off their ethnic heritage, but also honors many residents of Italian decent for their many contributions to the community; and

WHEREAS, Mr. Robert Marasco has volunteered many years of service to the Pine Avenue Business Association's Italian Festival with his expertise as an electrician and has contributed many hours technical service to make this event a success.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council congratulates and honors Mr. Robert Marasco with a "Thank You" for all his years of dedication to the PABA Italian Festival.

Yeas 4
Nays 0
ADOPTED

RESOLUTION: NATIONAL GRID, "10,000 TREES..AND GROWING". 2010-65

Agenda Item #34

NATIONAL GRID "10,000 TREES… AND GROWING!"

BY: Council Chairman Samuel Fruscione

WHEREAS, National Grid is sponsoring the "10,000 Trees…And Growing!" tree planting program; and

WHEREAS, this program provides reimbursement towards the cost of planting utility compatible trees under overhead electric distribution.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, that Paul A. Dyster as Mayor of the City of Niagara Falls, New York is hereby authorized and directed to file an application for contributory reimbursement funds as part of the "10,000 Trees…And Growing!" tree planting program and upon approval of said request to enter into and execute a project Agreement with National Grid for such financial contribution to this municipality.

Yeas 4
Nays 0
ADOPTED

RESOLUTION: PARKING RATES, 2010-66

Agenda Item #35

PARKING RATES

BY: Council Chairman Samuel Fruscione

WHEREAS, in order for the City to better respond to market conditions including rates at other parking lots; and

WHEREAS, the ability to adjust the daily rate at the City's parking facilities will improve parking revenues to help fund the Parking Ramp and Parking Lot funds;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the rates at the parking ramp and the downtown parking lots be permitted to vary between a minimum of $5.00 and a maximum of $10.00 per entrance on a daily and special event basis including the ability to have different rates at different parking facilities as specified in a schedule to be developed and adjusted as necessary by the City Director of Public Works and approved by the City Administrator.

Yeas 4
Nays 0
ADOPTED

PURCHASE: PORTABLE RESTROOMS, HARD ROCK CAFÉ CONCERT SERIES

Agenda Item #36

Pursuant to the Co-Promotion Agreement between the City and Hard Rock Café dated May 14, 2010 pertaining to the 2010 Summer Concert Series, the City is required to provide portable restrooms needed during and after each event. Typically, fourteen (14) such portable restrooms are needed for each event. It is anticipated that the total cost for these portable restroom facilities for the entire concert series will not exceed $12,000. Funding is available from the Tourism Fund Balance.

Will the Council so approve?

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

Yeas 4
Nays 0
APPROVED

SOUTH AVENUE PAVING, CDBG FUNDING, REIMBURSEMENT

Agenda Item #37

On July 12, 2010, City Council approved the use of CDBG-R funding to reimburse the City for costs incurred in the paving of South Avenue from 10th Street to 11th Street. We originally believed that South Avenue was a 99-h Casino funded project, however, it was subsequently determined that South Avenue had been shifted to a CHIPS reimbursed project.

99-h Casino funds were utilized in 2009 to pay for the in-house paving of Portage Road from Ferry Avenue to Walnut Avenue. The $23,094.20 CDBG-R fund balance can be used to reimburse the City for those costs.

Will the Council vote to approve the use of $23,094.20 in CDBG-R funds to reimburse the City for the paving costs for Portage Road as set forth herein, and authorize the Director of Community Development to effectuate same.

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

Yeas	4
Nays	0
	APPROVED

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

Agenda Item #38

The following was the result of bids received on July 23, 2010, for the above referenced project:

CONTRACTOR	**BASE BID**
Yarussi Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$ 79,580.00
Mark Cerrone, Inc.	$ 94,960.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Yarussi Construction. Please note that the Contractor has agreed to extend the unit prices of his proposal to utilize the maximum funding available for this project.

Therefore, the City will be entering into a contract with Yarussi Construction Co., Inc. for a not to exceed amount of $93,385.00. Funding is available via Casino Funds Code H0812.2008.0812.0449.599.

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

Yeas	4
Nays	0
	APPROVED

CONTRACT: ROOF REPLACEMENTS, 10TH ST FIRE HALL, ROYAL AVE. FIRE HALL & JOHN DUKE SENIOR CENTER, JOS A. SANDERS & SONS INC.

Agenda Item #39

The following was the result of bids received on July 26, 2010, for the above referenced project:

CONTRACTOR	**BASE BID**
Jos A. Sanders & Sons Inc. P. O. Box 814 Buffalo, New York 14240	$292,552.00
Grove Roofing Services	$345,432.13
Danny Thompson Roofing	$398,990.59

It is the recommendation of the undersigned that this project be awarded to the low bidder, Jos A. Sanders & Sons, Inc., at their Total Bid of $292,552.00. Funding is available in Code H0827.2008.0827.0449.599.

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

Yeas 4
Nays 0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:58 p.m.

Carol A. Antonucci
City Clerk

SEPTEMBER 7, 2010

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

The first session of the September 7, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:09 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of July 26, 2010

Yeas	5
Nays	0
	ADOPTED

Mayor Paul Dyster read a Proclamation honoring four members of the Fire Department who assisted a patron of the Water Street Landing Restaurant in Lewiston who was stricken with a heart attack and administered aid until rescue crews arrived. The Mayor presented copies of the Proclamation to them.

Larry Steele, Administrator of Oakwood Cemetery, spoke on the history of the cemetery, and efforts to maintain, preserve, restore and market the cemetery.

In the Administrative Update:

1. City Administrator Donna Owens spoke about the many activities that took place in the City during the summer, and expressed her wishes for a successful school year for the City's students and teachers.

2. Director of Public Works David Kinney gave an update on paving, and noted that the LaSalle area is done, crews are now working in the Center City area, and added that there is still time to do the sealing work in areas where it is needed. Council Member Walker asked about road repairs in the area of Center Avenue and 15th Street, surrounding the Hope VI Project, and Mr. Kinney said that he would discuss it with the Administration since that area is not on the list for this year.

3. The Administrator informed the Council Members that a new Fire Chief would be announced in a week or so, and the salary would remain the same for the position.

4. City Engineer Thomas Radomski reported that the Lewiston Road Project would not be completed before early in the 2012 construction season, and the 10th Street Project is at least 45 days behind schedule. In response to Council Member Anderson, Mr. Radomski said that the target date for the completion of the 72nd Street Project is October 15, but it should be done by the end of October.

Council Member Anderson asked that a Stationary Engineer be budgeted to be on site at the Municipal Complex, and Mr. Kinney responded that he had requested that in the past, and would discuss it with the Administration. Council Member Anderson also asked about playground equipment in the City's parks, and Mr. Kinney responded that new equipment had been received, and also sheds for the parks to store equipment needed for maintenance.

City Administrator Owens added that the City Hall restoration work has been completed, and the landscaping will be done next. Council Member Anderson asked about repairs to the City Hall parking lot. Mr. Radomski responded that a preliminary study had been completed, and the work could be done in the spring if funding were available. City Controller Maria Brown added that she will research sources of funding for the project.

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

1. A communication relative to asbestos abatement and boiler demolition at the DPW garage.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #33.

2. A Resolution relative to honoring the memory of Mrs. Bloneva Bond.

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

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #34.

Council Member Fournier asked if a plan was in place to store new Forestry equipment for the winter, and the Mayor replied that building a new structure was being looked into. Council Member Anderson suggested that even a canvas cover would help to protect the equipment.

Council Member Walker asked how many bids had been received for the new sound system for the Council Chambers (Agenda Item #9), and Purchasing Agent Dean Spring informed him that only one bid was received.

Council Member Grandinetti inquired about the number of retirees covered under the GHI Dental Plan (Agenda Item #16), and Human Resources Director Joyce Mardon-Serianni provided the information.

Chairman Fruscione asked the Mayor if NTCC had been approached for funding to sponsor the Wire Walk Event (Agenda Item #18). The Mayor said that he would bring it up at the next meeting of the NTCC Board, of which he was a member. Council Member Fournier moved to amend the Item to request funding reimbursement from NTCC, and his motion was unanimously approved.

City Controller Maria Brown suggested ways that Department Heads could comply with the Council's request for a freeze on discretionary spending (Agenda Item #31), such as selling assets no longer in use, an updated asset inventory, curtailing the hours that City buildings are open but not in use, reducing/limiting spending in the overtime and temporary lines, and not filling vacant positions.

This Session ended at 5:00 PM

Chairman Fruscione reconvened the Meeting at 7:02 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 Items #9, 13, 28
Carmen Hamilton	Agenda Item #27
Ken Hamilton	Agenda Item #34
Paul Gromosiak	Niagara Falls TV Program, Issues with Local Weekly Paper Old Stone Chimney, reopening Of Library local History Department, Portage Road
Ron Anderluh	no funding for Gill Creek Park In 2011 CD Budget
Ken Hamilton	Legends Basketball courts, Tourism, climate control in Library, Portage Road
Art Garabedian	Funding for NFR Demolitions Sponsored by Senator Thompson
Diane Tattersall	Thanks for help with South Junior Playground issues, NYPA Turbine #1 issue effecting fishermen

THE FOLLORING ITEMS WERE SUBMITTED BY THE CITY CLERK

Agenda Item #1
Agenda Item Claims Report for the month of July, 2010.
THIS ITEM WAS RECEIVED AND FILED

Agenda Item 2
City Clerk's Report for the Month of July 2010
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: AMERICAN RECOVERY REINVESTMENT ACT DESIGN AND CONSTRUCTION, CHANGE ORDER #2, URBAN ENGINEERS OF NEW YORK P.C.

Agenda Item #3

The contract for the above referenced project was awarded to Urban Engineers of New York P.C., on March 23, 2009, in the amount of $240,222.00.

The project required additional inspection duration as a result of increased binder, catch basins, and curb repairs by the Contractor. Further, extensive unforeseen testing and reporting was necessary to comply with for administering these ARRA funds.

It is the recommendation of the undersigned that Change Order #2 be approved in the amount of $84,968.33 that will be fully reimbursed, for this change order through the New York State Department of Transportation American Recovery Reinvestment Act accounts.

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

Yeas	5
Nays	0

APPROVED

CITY HALL EXTERIOR RESTORATION PROJECT, CHANGE ORDER #1, MORRIS MASONRY RESTORATION

Agenda Item #4

The contract for the above referenced project was awarded to Morris Masonry Restoration, 40 Appenheimer Avenue, Buffalo, New York 14214, on March 22, 2010, in the amount of $549,856.00.

The project required various revisions in scope for unanticipated and necessary work that was required beyond the original scope as follows:

Additional Work	
Abatement of Asbestos Joints:	$25,405.80
Furnish and Install one (1) New Wrought Iron Gate:	$3,937.50
Furnish and Install New Stone Treads:	$7,310.00
Labor and Material for Patching/Shoring in Transformer Room:	$1,480.00
TOTAL OF ADDITIONAL COST	**$38,133.30**
Deletion of Work	
Labor and Material for Removal, Waterproofing and Installation of Stone at Upper Landing	
TOTAL CREDIT	**$6,698.00**
TOTAL AMOUNT OF CHANGE ORDER	**$31,435.30**

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of $31,435.30, Funding for the additional tasks is available under 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 Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: AUDITING SERVICES, BONADIO & CO., LLP.

Agenda Item #5

We respectfully recommend the Council authorize the Mayor to enter into an agreement as follows:

WITH: Bonadio & Co., LLP
6400 Sheridan Drive, Suite 230
Williamsville, NY 14221 .

FOR: Performing an audit of the City's financial statements for the fiscal year 2010: $40,500.00

This agreement may be extended annually for an additional three years at the City's discretion.

Notice that requests for proposals were to be received was advertised in the Niagara Gazette and notices were sent to four auditing firms. Four proposals were received (on file in the City Clerk's Office).

Upon review of all the proposals, by the City Controller, it was determined that Bonadio & Co., LLP is best qualified to conduct the audit.

Funds for this expenditure are available in the City Controller's Office budget code: A1315.0000.0459.000.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: TELEPHONE SERVICES, RONCO COMMUNICATIONS & ELECTRONICS, INC.

Agenda Item #6

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

TO: Ronco Communications & Electronics, Inc.
595 Sheridan Drive
Tonawanda, NY .

FOR: All required and optional services as listed on the attached tally sheets, including PRI's, DID's, local calling services, point to point T-1's, central office trunks, analog lines and long distance services as per the attached tally sheet.

Three-year cost: $201,732.12

The City Purchasing Agent 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 twelve (12) companies. Five (5) bids were received. The above referenced company submitted the overall low bid to meet our specifications (on file in the City Clerk's Office).

Funds are budgeted annually in each Department's telephone budget code: 0421.001.

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

Yeas 5
Nays 0
APPROVED

PURCHASE: STREET SWEEPER PARTS, VARIOUS COMPANIES

Agenda Item #7

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

TO: United Rotary Brush Corp.
15607 W. 100th Terrace
Lenexa, KS 66219

FOR: Item 11 (Elgin) as per the attached tally sheet.

TO: Lacal Equipment, Inc.
901 West Pike Street
Jackson Center, OH 45334

FOR: Items 3, 5, 7, 8 and 11 (Johnston) as per the attached tally sheet.

TO: ODB
5118 Glen Alden Drive
Richmond, VA 23231

FOR: Items 1 (Johnston) 2, 12 and 13 as per the attached tally sheet.

TO: Joe Johnson Equipment
62 LaGrange Avenue
Rochester, NY 14613

FOR: Item 1 (Elgin) as per the attached tally sheet.

TO: Snowfighting Equipment & Consultants of Buffalo, Inc.
PO Box 126, South Side Station
Buffalo, NY 14220-0126

FOR: Items 4 and 6 as per the attached tally sheet.

Due to some confusion regarding items 9 and 10 no award will be made for those two items.

The City Purchasing Agent 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 seven (7) vendors. Six (6) bids were received (on file in the City Clerk's Office). The above referenced companies submitted the lowest bids for each respective item.

Funds for this expenditure are available in the Department of Parks & Public Works, Street Cleaning code: A8170.0000.0419.005

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

Yeas 5
Nays 0
APPROVED

PURCHASE: POLICE CARS, VISION FORD

Agenda Item #8

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

TO: Vision Ford
4545 Ridge Road West
Rochester, NY 14626

FOR: Eight (8) 2011 Model Ford Crown Victoria's $28,817.63 each
$230,541.04
with Police packages.

The City Purchasing Agent 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) vendors. Three bids were received. The above referenced company submitted the lowest bid. Bids were also received from DeLacy Ford. ($231,824.00) and Van Bortel Ford ($236,712.00).

Funds for this expenditure are available in the Capital budget code: H0816.2008.0816.0230.000.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: SOUND SYSTEM FOR CITY COUNCIL CHAMBERS, RONCO SPECIALIZED SYSTEMS, Inc.

Agenda Item #9

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

TO: Ronco Specialized Systems, Inc.
84 Grand Island Boulevard
Tonawanda, NY 14150

FOR: Sound System for City Council Chambers:

BASE BID:	$24,990.00
ALTERNATE #1:	
Inductive Loop System for hearing impaired:	4,721.00
ALTERNATE #2:	
Recessed microphones (5) for the Council Dais in lieu of the standard microphones specified in the base bid:	2,207.00
TOTAL:	**$31,918.00**

The City Purchasing Agent 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) vendors. One (1) bid was received. The above referenced company submitted the only bid.

Funds for this expenditure will be provided through Casino funding.

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: AMERICAN RECOVERY & REINVESTMENT ACT, PAVEMENT MILL & OVERLAY PROJECT, CHANGE ORDER #1, ACCADIA SITE CONTRACTING, INC.

Agenda Item #10

A contract for the above referenced project was awarded to Accadia Site Contracting, Incorporated, 5636 Transit Road, Depew N.Y., on August 17, 2009 in an amount of $884,215.80.

Subsequent to the completion of work and in light of the current road condition the City directed the contractor to repair the top course surface of Packard Road after it was determine that an unstable sub-base caused an undesired “wave” condition in the road. An order on Contract in the amount $50,707.18 (new item 950.03) was submitted to the New York State Department of Transportation (NYSDOT) and subsequently approved.

Total cost for Contract #3, including Item 950.03 is $914,558.33. The initial cost of construction was under the award amount and the difference to complete the repair is an additional $30,342.53. Funding for the additional work is available through the American Recovery & Reinvestment Act, and is eligible for 100% reimbursement by the NYSDOT.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $30,342.53 be approved.

Will the Council vote to so approve?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: HYDE PARK GOLF COURSE FENCE IMPROVEMENTS, NEW YORK STATE FENCE CO, INC.

Agenda Item #11

The following was the result of bids received on August 31, 2010 for the above referenced project:

CONTRACTOR	BASE BID
New York State Fence Co. Inc 858 Manitou Road Hilton NY 14468	$25,980.00
Armor Fence Co. of WNY, Inc.	$26,978.00

It is the recommendation of the undersigned that this project be awarded to the low bidder New York State Fence Co. Inc., at their total bid of $25,980.00. Funding is available in Code HO622.2006.0622.0449.599.

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

Yeas	5
Nays	0
	APPROVED

NEIGHBORHOOD LEGAL SERVICES, HIRING

Agenda Item #12

In September 2009, City Council approved an allocation of $44,000 per year for up to three years for Neighborhood Legal Services to pay for the costs associated with both legal and paralegal work associated with the administration of the HPRP program. The City opted to utilize this agency to assess HPRP applicants because the City does not have this expertise. The benefits to the approved applicants are paid by the City with HPRP funds.

Due to increased demand for benefits through the HPRP Program, Neighborhood Legal Services has requested that we include in our new agreement a provision to add a second paralegal to handle the additional work load.

We are proposing that funding be increased in the 2010-11 funding agreement with Neighborhood Legal Services from $44,000 to $92,811.23. This will allow for the hiring of a second paralegal to more efficiently administer the program. Funds are available for this through the HPRP grant which the City received from HUD.

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

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

Yeas	5
Nays	0
	APPROVED

POLICE SUBSTATION, 496 19TH STREET, LEASE EXTENSION

Agenda Item #13

The City currently leases the above-referenced property from Carl DeFranco for a police substation at $400.00 per month plus utilities. The lease expires on September 30, 2010. The landlord has requested a rent increase to $425.00 per month plus utilities.

The police substation is an integral part of the City's crime prevention initiative on 19th Street. It is proposed to renew the lease at the higher rent through June 30, 2011, to put the lease on the same terms as the other police substations. Community Development funds are available in budget code CPS042.

Will the Council vote to approve the renewal of the police substation lease through June 30, 2011, at the rent of $425.00 per month plus utilities, as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

BRIDGE COMMISSION ADDITIONAL PARKING, RAINBOW CENTRE RAMP

Agenda Item #14

Under the May, 1997, agreement signed, the City set aside 50 spaces on the fourth floor of the Rainbow Centre ramp for secure parking for the Bridge Commission. The Bridge Commission has requested 40 more spaces in the Rainbow Centre Ramp. With the Rainbow Bridge Plaza renovations, parking spaces formerly located near the Bridge are used for other purposes.

If the additional Bridge Commission spaces can be located on the fourth floor without interfering with access or requiring an additional secure stairwell, they will be located there. Otherwise, they will be located on the third floor, directly below the fourth floor spaces. This will allow the use of the existing secure stairwell to gain access to and from all the spaces.

The original agreement is for thirty years. This proposed agreement is for three years, starting September 15. The original agreement calls for rent of $1,250.00 per month ($25.00 per space), with 3% escalators every five years. This proposed agreement requires payment of rent of $1,600.00 per month ($40.00 per space).

Like the original agreement, the Bridge Commission will pay the cost of fencing to secure the parking spaces. The Bridge Commission will insure the spaces and indemnify the City.

The proposed agreement also provides for City access to the secure area during any capital improvement project that the City undertakes during the term of the agreement.

The spaces are available in the parking ramp. The revenue will provide funds to the City for maintaining the ramp after the capital improvements. At the end of the three year term, the arrangement can be evaluated based on the use of the ramp at that time.

Will the Council vote to approve the parking agreement 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.

Yeas	5
Nays	0

APPROVED

NIAGARA FALLS HOUSING AUTHORITY, COMPENSATION FOR UNION & NON-UNION PERSONNEL

Agenda Item #15

The Niagara Falls Housing Authority Board of Commissioners approved certain pay increases for its employees. Attached is a copy of the correspondence describing these pay increases (on file in the City Clerk's Office). While the City of Niagara Falls does not contribute financially to the operations of the Niagara Falls Housing Authority, the New York State Public Housing Law requires the approval of the City Council for those increases.

Will the Council so approve and authorize the Mayor to execute the same?

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

Yeas	5
Nays	0
	APPROVED

GHI, DENTAL COVERAGE FOR CITY RETIREES

Agenda Item #16

Attached is the proposed Agreement for GHI to continue providing the administrative services for the dental coverage for the City retirees who retired prior to the adoption of the new health insurance plan (on file in the City Clerk's Office). Funding is available in the budget.

Will the Council so approve and authorize the Mayor to execute the same?

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

Yeas	5
Nays	0
	APPROVED

HEALTHNOW NEW YORK INC., EARLY RETIREE REINSURANCE PROGRAM

Agenda Item #17

The City is eligible to participate in the Early Retiree Reinsurance Program which was established under the Federal Health Care Reforms. Under this program, the City is eligible for reimbursement on certain healthcare expenses related to eligible retirees who are 55 years or older, not an active employee of the City and not eligible for Medicare.

To implement this program it is necessary to enter into an Administrative Services Agreement with HealthNow to file claims with the Department of Health and Human Services.

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

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

Yeas	5
Nays	0
	APPROVED

BUFFALO ARTS STUDIO, WIRE WALK EVENT

Agenda Item #18

The Buffalo Arts Studio has requested a grant of $14,000.00 to help pay Didier Paquette's Wire Walk in Niagara Falls, New York as part of a Collaborative Regional Biennial Contemporary Art Exhibition called Beyond/In Western New York 2010. This Wire Walk will take place at a location to be mutually agreed upon on a date to be agreed mutually upon between September 24, 2010 and January 16, 2011. Funding is available from Tourism Fund Balance. The City will be seeking contribution from the NTCC for a portion of this amount with the understanding that if the NTCC refuses to contribute the City will pay the entire amount.

Will the Council so approve and authorize the Mayor to execute the same?

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

Yeas	5
Nays	0
	APPROVED

OAKWOOD CEMETERY, CAPITAL IMPROVEMENTS AND MAINTENANCE

Agenda Item #19

The City has been asked by the Oakwood Cemetery Association to contribute $10,000.00 towards the cost of capital improvements and maintenance to the Mausoleum at the Cemetery. Funding is available from Casino interest.

Will the Council so approve and authorize the Mayor to execute the same?

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

Yeas	5
Nays	0
	APPROVED

HUMAN RESOURCES DEPARTMENT, OFFICE EQUIPMENT

Agenda Item #20

The Human Resources Department is in need of office equipment which was not foreseen when the 2010 budget was reviewed. It is anticipated that the cost of the various equipment and supplies will not exceed $3,650.00. Funding is available from Casino interest.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CLAIM: MCKEEHAN, MARK

Agenda Item #21

Date Claim Filed:	May 4, 2010
Date Action Commenced:	N/A
Date of Occurrence:	March 13, 2010
Location:	Parking Lot of 571 10th Street
Nature of Claim:	Automobile damage sustained in an incident with City employee
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$167.26
Make Check Payable to:	Mark McKeehan
Conditions:	General Release to City approved by Corporation Counsel.

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

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

Yeas	5
Nays	0
	APPROVED

CLAIM: CALANDRELLI, GINA

Agenda Item #22

Date Claim Filed:	May 28, 2010
Date Action Commenced:	N/A
Date of Occurrence:	May 13, 2010
Location:	200 block of 70th Street
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Dennis Virtuoso
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$599.40
Make Check Payable to:	Gina Calandrelli
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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: MCCLELLAN, MARK

Agenda Item #23

Date Claim Filed:	April 30, 2010
Date Action Commenced:	N/A
Date of Occurrence:	April 23, 2010
Location:	Intersection of Porter Road and Cedar Ave
Nature of Claim:	Automobile damage sustained in an accident with City fire vehicle
City Driver:	Paul Pearson
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$87.48
Make Check Payable to:	Mark McClellan
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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: TUCKER, CHARLES E.

Agenda Item #24

Date Claim Filed:	June 25, 2008
Date Action Commenced:	November 3, 2008
Date of Occurrence:	August 3, 2007
Location:	Parking Lot of 8505 Niagara Falls Blvd.
Nature of Claim:	Damages sustained incident to an arrest
City Driver:	N/A
Status of Action:	Pre-trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$16,000.00
Make Check Payable to:	Charles E. Tucker and Mary E. Maloney, Esq.
Conditions:	General Release and Stipulation of Discontinuance to City approved by Corporation Counsel.

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

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #25

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2010 to September 30, 2012.

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

Brown, Maria C.	City Controller
Mondi, Geraldine D.	City Council Office
Paul, Joseph	NFPD
Parsnick, Lori	City Clerk's Office
Pokoj, Kari	City Clerk's Office
Beccari, Julia M	5357 Annover Rd., Lewiston, NY 14092
Boxer, Linda S.	921 Vanderbilt Ave., Niagara Falls, NY 14305
Bradberry, William J.	2500 Hyde Park Blvd., Niagara Falls, NY 14305
Campbell, Catherine	5183 Tuscorora Rd, Niagara Falls, NY 14304
Davis, Matthew A. II	1317 Ashland Ave., Niagara Falls, NY 14301
DeMartin, Mary Ann	1359 James Ave., Niagara Falls, NY 14305
Iannarelli, Anna	461-21st St., Niagara Falls, NY 14303
Mameli, Vincent	462-77th St., Niagara Falls, NY 14304
Seright, Ida P.	2736-21st St., Niagara Falls, NY 14305
Tothill, David E.	2256 Ontario Ave., Niagara Falls, NY 14305

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

Yeas	5
Nays	0

APPROVED

FLOOD DAMAGE PREVENTION, LOCAL LAW #3

Agenda Item #26

Please be advised that Local Law No. 3 for the year 2010, relative to "Flood Damage Prevention" which was adopted by Council on July 12, 2010 and duly approved by Mayor Paul A. Dyster on July 21, 2010, was received and filed by the NYS Department of State on July 27, 2010.

This Item was received and filed

RESOLUTION: ROTARY INTERNATIONAL, ERADICATE POLIO WORLDWIDE, 2010-67
BY: ALL COUNCIL MEMBERS

Agenda Item #27

WHEREAS, Rotary International has received a pledge from the Bill and Melinda Gates Foundation to provide a $355 Million Dollar Challenge grant in support of the Rotary International PolioPlus Program, and

WHEREAS, PolioPlus is a program created by Rotary International to eradicate Polio in every country worldwide, and

WHEREAS, the incidence of Polio has decreased more than 99 percent since 1988, when the Rotary International Global Initiative against the disease began, with only four countries -- Afghanistan, India, Nigeria and Pakistan -- remaining Polio endemic, and

WHEREAS, the Niagara Falls N.Y. Rotary Club requests that October 21, 2010 be designated as PolioPlus Day in Niagara Falls, New York in support of the total eradication of Polio worldwide.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby designate October 21, 2010 as PolioPlus Day in Niagara Falls, New York.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NIAGARA STREET BUSINESS & PROFESSIONAL ASSOCIATION, GRANT APPLICATION, 2010-68
BY: ALL COUNCIL MEMBERS

Agenda Item #28

WHEREAS, the Niagara Street Area Business & Professional Association has applied for an Educational Nature Trail Grant at Gill Creek; and

WHEREAS, the funds have been approved by the Niagara Falls School District Board with $102,280.00 coming from the Niagara Falls School District Greenway Commission Funding source; and

WHEREAS, the trail will be along the west side of Gill Creek from Buffalo Avenue to Ferry Avenue which is maintained by the city. The trail will be marked with approximately 25 plaque markers telling the history of the area, fauna, and different species of animals around that location. It will also act as a field trip for local schools and community organizations.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby approve of this grant along with the installation and construction of the trail; and

BE IT FURTHER RESOLVED, that after the installation of the trail has been accomplished, the City of Niagara Falls will be responsible for maintaining the trail, which will be the beginning of a rebirth of Gill Creek Park and will add to the quality of life for that area.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NF SENIOR CITIZEN COUNCIL, APPOINTMENT, 2010-69
BY: COUNCIL CHAIR SAM FRUSCIONE

Agenda Item #29

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Senior Citizen Council effective immediately due to the resignation of Angelo D'Aloise for the expiration date, which appears opposite his/her name:

APPOINTMENT	**TERM EXPIRES:**
Marie De Felice 2540 Jerauld Avenue Niagara Falls, NY 14305	12/31/2013

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PURCHASING MANUAL, REVISIONS, 2010-70
BY: COUNCIL CHAIRMAN SAM FRUSCIONE

Agenda Item #30

WHEREAS, the New York General Municipal Law requires municipalities to adopt procurement policies and procedures so as to assure the prudent and economical use of public monies in the best interest of the taxpayers of the municipality and to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and

WHEREAS, the City Council adopted a Purchasing Manual in Resolution 1992-102 and a revised manual in Resolution 2000-84; and

WHEREAS, the State has recently adopted revised bidding requirements; and

WHEREAS, the Purchasing Agent has prepared revisions contained in the attached sections to the Purchasing Manual to further said goals;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it does hereby adopts the attached revisions to the City's Purchasing Manual (on file in the City Clerk's Office).

Yeas 5
Nays 0
ADOPTED

RESOLUTION: DISCRETIONARY SPENDING, FREEZE, 2010-71
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE
COUNCIL MEMBER ROBERT ANDERSON
COUNCIL MEMBER STEVE FOURNIER

Agenda Item #31

WHEREAS, the City of Niagara Falls, New York administration is in the process of developing the City budget for the year 2011; and

WHEREAS, any fund balance remaining at the end of year 2010 will be helpful in balancing the budget projected for year 2011;

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

Commencing with the adoption of this Resolution and continuing through December 31, 2010, the City Council requests that the Mayor and City Administrator direct all City Department Heads as follows:

1. Cease spending on discretionary items regardless of the fact that surplus may exist in their respective budgets from which to access funds.
2. Non-discretionary spending and spending that must occur pursuant to agreements and contractual issues may continue to occur pursuant to agreements and contracts in place.
3. In the event that a Department Head believes an item which is the subject of discretionary spending to be necessary, he or she may apply to the Mayor and City Administrator on a case by case basis in order to obtain permission for such an expenditure.
4. This resolution shall not apply to the spending of casino revenues pursuant to future resolutions adopted by the City Council.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CHAPTER 1137, LANDLORD RENTAL AND PROPERTY OWNER REGISTRATION, AMENDING, 2010-72
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #32

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1137 of the Codified Ordinances entitled "Landlord Rental and Property Owner Registration" is hereby amended as follows:

CHAPTER 1137
LANDLORD RENTAL AND PROPERTY OWNER REGISTRATION

1137.01 PURPOSE

The purpose of this Chapter is to establish a procedure and standards for the identification and registration of rental properties and unoccupied properties, to ensure that the City has a meaningful, efficient and effective means of communicating with those persons and companies who own rental properties and unoccupied properties. This Chapter is adopted to promote the health and safety of tenants and to alleviate conditions of substandard housing, including slums and blight.

1137.02 ENFORCEMENT

This Chapter shall be enforced by the Director of Code Enforcement, or his designee.

1137.03 DEFINITIONS

As used in this Chapter, these terms shall have the meanings indicated as follows:

ACTION or PROCEEDING – Any action or proceeding which may be instituted in the City Court of the City of Niagara Falls or the County Court of the County of Niagara or the Supreme Court of the County of Niagara or any court of competent jurisdiction with an alleged violation of any ordinance or law of the City of Niagara Falls.

BUILDING – Any improved real property, residential or mixed use (commercial-residential), located within the City of Niagara Falls, that is nonowner occupied or is improved and unoccupied.

CHANGE IN OCCUPANCY – Whenever a tenant shall move from, vacate or quit willingly or otherwise or express the firm intent to vacate or quit a rental unit.

DIRECTOR – The Director of Code Enforcement of the City of Niagara Falls, New York.

IDENTIFICATION OF BUILDING – It is required that the house number be placed on the building in a conspicuous place.

LANDLORD AND PROPERTY OWNER REGISTRATION STATEMENT – A form created by the Director and distributed to the owner of rental property and unoccupied property in accordance with standards and requirements set forth in this Chapter.

OWNER – Any individual or individuals, partnership or corporation or any similar type business organization, whether for profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the property.

PROCESS – A summons, complaint or any notice, mandate or any other paper process issued under any provision of the Codified Ordinances of the City of Niagara Falls or any law or regulation of the State of New York.

RENTAL PROPERTY – Includes all properties which are either rented, leased, let or hired out to be occupied for residential or mixed used (commercial-residential), and are nonowner occupied. For any rental property to be considered owner occupied, the owner must prove that at least one (1) owner, partner, or shareholder of a corporation actually has his or her principal residence at the rental property and reside therein on a full-time basis, it being the actual domicile of that owner, partner, or shareholder. At the request of the City of Niagara Falls, any owner who claims to occupy the rental property shall provide a sworn affidavit providing the necessary information to support his or her claim that the premises are owner occupied.

RENTAL UNIT – A residential unit occupied by a party other than an owner.

RESIDENTIAL UNIT – One or more rooms with provision for sanitary and sleeping facilities, for food preparation, for living and for working.

TENANT – A party whose right to possession of a rental unit is subject to the express or implied consent of the owner.

UNOCCUPIED PROPERTY – Any improved real property that is not occupied by the owner or a tenant.

1137.04 PROPERTY REGISTRATION

A. REGISTRATION OF OWNER.

1. The owner of a building constituting a rental property or unoccupied property shall register the same with the Director within 60 days of the effective date of this Chapter on a form approved by the Director. ***Any owner subject to this Chapter acquiring a building after July 1, 2010 which is a rental property or unoccupied property shall register the same with the Director within 60 days of acquisition on a form approved by the Director.*** This form shall be known as a "Landlord and Property Owner Registration Statement" which shall be signed by the owner. A Landlord and Property Owner Registration Statement shall be completed and filed for each building constituting a rental property or unoccupied property.

2. It shall be unlawful for any owner to offer any unit for rent, or to rent any unit, or to allow any rental unit to be occupied without having first registered pursuant to this Chapter as required herein within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register rental property. It is the owner's responsibility to fulfill the requirements of this Chapter.

3. In the event the building which is the subject of the Landlord and Property Owner Registration Statement is not used for a use consistent with the legal use reflected in the office of the Director, the owner shall take immediate action to conform the Building to the legal use reflected in the office of the Director.

B. LANDLORD AND PROPERTY OWNER REGISTRATION STATEMENT

1. Every owner of a rental property **[as above defined]** or an unoccupied property shall file with the Director within 60 days after the effective date of this Chapter ***or within 60 days following acquisition of a rental property or unoccupied property, whichever is applicable***, a Landlord and Property Owner Registration Statement on a form to be supplied by the Director, containing the following:

A. A description of the premises by street number, a legal description of the premises, and section, block and lot number, including tax identification number.

B. The owner's name, date of birth, residential address, and mailing address, together with his/her business telephone number, home telephone number, fax number, and e-mail address or, if such owner is a corporation, the name and address of such corporation, its employer identification number and the name, date of birth, residence, business address, together with the residence and business telephone numbers, fax numbers and e-mail addresses of at least two officers of the corporation responsible for management of the rental property or, if the owner is a limited liability company, the name, business address, business telephone number, fax number and e-mail address of the limited liability company, and the name, date of birth, residence, business address, residence and business telephone numbers, fax number and e-mail address of the manager of the limited liability company, or if the owner is a partnership, the name, date of birth, address, residence and business telephone numbers, fax number and e-mail address of the individual partners.

C. Designation of ***local*** **[managing**] agent. In the event the owner does not reside in Niagara County, New York, ***or Erie County, New York*** the owner must designate a ***local*** **[managing]** agent. If a ***local*** **[managing]** agent is required, then the owner shall provide the following information to the Director: the name, date of birth, residence and business address and telephone numbers, fax number and e-mail address of a natural person, 18 years of age or over, who actually resides within the County of Niagara, New York, and who shall be designated by such owner as a ***local*** **[managing]** agent responsible for and in control of the **[maintenance and operation of such]** rental property, and who shall be designated as the person upon whom process may be served on behalf of the owner. The ***local*** **[managing]** agent and/or owner shall keep a current record of all the tenants, and their names and addresses, who are renting, leasing or living in the premises. There shall be endorsed upon such statement a written consent to such designation signed by such ***local*** **[managing**] agent and such ***local*** **[managing]** agent shall also consent to be subject to the jurisdiction of any applicable court of law.

D. The owner shall be obligated, at all times, to keep this information updated, and when there is a change in the ***local*** **[managing]** agent, or any other material change, the owner shall be obligated to update the information by amending the Landlord Registration Statement within 15 days from the date of any such change.

E. Nothing contained in this section shall be construed as preventing a corporation, limited liability company or partnership which is an owner of real property from designating as its ***local*** **[managing]** agent with respect thereto any officer of such corporation, manager or partner who meets the requirements of this subsection as to location of the residence or the place of transacting business of the ***local*** **[managing]** agent.

F. Any designation as ***local*** **[managing]** agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated as hereinafter provided.

G. Insurance information, if any.

2. Upon completion and execution and submission of the Landlord and Property Owner Registration Statement as aforesaid, said registration statement shall be reviewed by the Director or his designee for adequacy. Should the Director determine that said registration statement is incomplete, defective or untruthful for any reason, said registration statement shall be marked "rejected" and returned to the owner. A rejected registration statement shall not be deemed compliance with the requirements of this Chapter.

3. An approved Landlord and Property Owner Registration Statement shall be required and shall be a condition precedent before the owner may rent any unit contained in the rental property.

4. Where, after filing of any Landlord and Property Owner Registration Statement in relation to any rental property under the applicable provisions of this Chapter, the owner of such property shall have granted or transferred his/her right, title or interest therein or in any part thereof, the new owner shall file with the Director at the time of transfer a Landlord and Property Owner Registration Statement pursuant to the requirements of this Chapter.

5. Any designation of the ***local*** **[managing]** agent made pursuant to the applicable provisions of this section shall cease to be effective if such agent shall die or be judicially declared incompetent.

6. An owner may terminate such ***local*** agent designation by filing with the Director a written statement designating a new ***local*** **[managing]** agent made in conformity with the provisions herein above cited.

7. Any Landlord and Property Owner Registration Statement or designation of a ***local*** **[managing]** agent required to be filed with the Director by any owner of a rental property ***or unoccupied property*** under the provisions of this section shall be signed by such owner, or if such owner is a corporation, by an authorized officer thereof, or if such owner is a partnership, by a partner thereof, or if such owner is a limited liability company, by the manager.

8. Any such Landlord and Property Owner Registration Statement or designation of a ***local*** **[managing]** agent shall be deemed prima facie proof of the statements therein contained, in any criminal or civil prosecution instituted by the City of Niagara Falls or by any proper prosecutorial agency against the owner or ***local*** **[managing]** agent of a rental property ***or unoccupied property***.

9. It shall be unlawful for any owner to permit the occupancy of any rental unit subject to this Chapter, unless such owner has a current, valid Landlord and Property Owner Registration Statement on file with the Director. It shall also be unlawful for any owner to own unoccupied property subject to this Chapter, unless such owner has a current, valid Landlord and Property Owner Registration Statement on file with the Director.

10. This Chapter shall apply to all buildings in the City of Niagara Falls which contain a rental unit or rental units or which are unoccupied property.

11. The Landlord and Property Owner Registration Certificate shall be valid for a period of two (2) years or until such time that there is a change in ownership, unless the Director revokes such permit pursuant to 1137.04(B)(14).

12. RENEWAL.

No less than thirty (30) days and no more than sixty (60) days prior to the expiration of a Landlord and Property Owner Registration Statement, the holder of such registration statement shall file with the Director a new and separate Landlord and Property Owner Registration Statement to obtain a new Landlord and Property Owner Registration Statement. Failure to obtain a renewal Landlord and Property Owner Registration Statement for *a* [an occupied] rental unit or for unoccupied property shall be treated as a violation of 1137.04(B) of this Chapter***. The fee to renew a Landlord and Property Owner Registration Statement is contained in section 15 of this Chapter.***

13. REVOCATION.

A. The Director may revoke a Landlord and Property Owner Registration Statement after written notice to the owner ***and local agent, if any,*** that the requirements of this Chapter or any conditions of said Landlord and Property Owner Registration Statement have been violated.

B. Whenever the Director revokes the Landlord and Property Owner Registration Statement, he shall serve the owner ***and local agent, if any,*** with a written notice of revocation which shall include a statement of the grounds for revocation and a statement of particulars specifying in what respect the rental unit or building in which it is located ***or unoccupied property*** is in violation. Written notice may be served by personal delivery or certified mail, return receipt requested, to the owner ***and local agent, if any,*** addressed to the last known address on file with the Director. Notice will be deemed given when delivered to the owner ***or local agent, if any,*** or by depositing same in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States post office department within the State of New York.

C. In the event that any building subject to this Chapter is condemned for occupancy, any Landlord and Property Owner Registration Statement shall be deemed revoked.

D. The owner ***or local agent, if any,*** shall have 15 days from the day when notice is given within which to remedy any violations specified in the notice of revocation. In the event such violations are not remedied to the satisfaction of the Director within the 15 day period, the Landlord and Property Owner Registration Statement shall be deemed revoked.

14. Building permits of any nature shall not be issued for work regarding buildings subject to this Chapter unless and until a valid Landlord and Property Owner Registration Statement is on file with the Director.

15. FEES.

The fee ***to file a Landlord Rental and Property Owner Registration Statement and the fee to renew a Landlord Rental and Property Owner Registration Statement for*** **[register]** all buildings subject to this Chapter and all unoccupied property subject to this Chapter, shall be as follows:

Buildings and unoccupied property containing one (1) or two (2) rental units	$25.00
Buildings and unoccupied property containing three (3) or more rental units	$40.00

Notwithstanding the foregoing, required fees shall be waived for owners of buildings and unoccupied property subject to this Chapter who register with the Director within 60 days of the effective date of this Chapter.

16. EFFECTIVE DATE.

This Chapter shall be effective May 1, 2010.

1137.05 PENALTIES FOR OFFENSES.

A failure to register any unoccupied property or rental property required to be registered under this Chapter shall be a violation, and any person or entity convicted of such violation shall be punished as follows:

1. Upon the first conviction, a fine of not less than $250, but not exceeding $500; and

2. Upon a second such conviction within a twelve-month period, a fine of not less than $500, but not exceeding $2,500.

1137.06 SEVERABILITY.

If any article, section, subsection, paragraph, sentence, clause or provision of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

Yeas 5
Nays 0
ADOPTED

CONTRACT: ASBESTOS ABATEMENT/BOILER DEMOLITION AT DPW VEHICLE GARAGE, METRO CONTRACTING & ENVIRONMENTAL INC.

Agenda Item #33

The following was the result of bids received on September 7, 2010 for the above referenced project:

CONTRACTOR	**BASE BID**
Metro Contracting & Environmental Inc. 2939 Lockport Road Niagara Falls NY 14304	$52,900.00
Epic Contracting Inc.	$54,500.00
Mark Cerrone, Inc.	$59,400.00
Empire Dismantlement Corp.	$93,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Metro Contracting & Environmental Inc., at their total bid of $52,900.00. Funding is available in Code HO912.2009.0912.0449.599.

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: BOND, BLONEVA ALTHEA PRIDE, HONORING, 2010-73
BY: ALL COUNCIL MEMBERS

Agenda Item #34

WHEREAS, on September 11, 2010, her birthday, caring citizens and friends of Mrs. Bloneva Althea Pride Bond are remembering her and her many contributions to the quality of life to all Niagarans by having an oak tree planting ceremony at the city's Hyde Park in her honor; and

WHEREAS, Mrs. Bond has served the citizens of Niagara County as a Social Worker and independent business owner; and

WHEREAS, Mrs. Bond was also a founder and charter member of the New York State Community Action Program (NYCAP) Board of Directors, as well as serving on the Niagara Coalition, the National Council of Christians and Jews, (now the National Council for Community and Justice), the United Way of Niagara Central Budget Committee, the Niagara Community Center Scholarship Committee, the Congress of Racial Equality (CORE), the Niagara Falls Council of Churches and the People for Progress Committee, the Niagara Chapter of the American Red Cross' Minority Task Force, and the Niagara Falls Centennial Committee; and

WHEREAS, Mrs. Bond accepted an appointment from then-Governor Nelson Rockefeller for service on both the New York State Health Council and the New York State Health Planning Commission, worked closely with the Girl Scouts of America, and was honored by Niagara University with a Doctor of Humanity Degree; and

WHEREAS, Mrs. Bond was known for her many other exhaustive and pioneering contributions to community service that included, but was not limited to, being the first and only African-American woman elected to the Niagara Falls Board of Education and a past president of the Niagara Falls Chapter of the NAACP; and

WHEREAS, Mrs. Bond's dedication to the youth of the City of Niagara Falls is rooted in her parent's values of academic success, the nurturing of creative talent and a commitment to moral conduct, the City Council believes it to be only fitting that both this resolution and an oak tree in the park that will one day grow tall enough to peer across both Gill Creek and the trees of the Hyde Park Golf Course to watch and inspire the students of the Niagara Falls High School to properly prepare for the city's future, is only proper.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council pay tribute to Mrs. Dr. Bloneva Althea Pride Bond's many contributions throughout her life and to her community service. Her outstanding volunteer achievements have enhanced the quality of life for all who knew her, as well as for those who had never had the pleasure. Though those that fall under the shade of the so-dedicated tree will remember her, all will deeply miss her.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:55 p.m.

Carol A. Antonucci
City Clerk

SEPTEMBER 20, 2010

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

The first session of the September 20, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of September 7, 2010 & the Special Meeting of August 25, 2010.

Yeas	5
Nays	0
	ADOPTED

Michelle Petrazzoulo, Executive Director of the Earl Brydges Library, gave background information on herself, and her plans for the Library. Mayor Paul Dyster welcomed her, and City Administrator Donna Owens invited her to participate in the monthly Department Head Meetings.

In the Administrative Update:

1. The City Administrator spoke on the fire fatality that occurred over the weekend, and noted that the Fire Department is pro-active in providing fire prevention information.

2. Administrative Police Captain John DeMarco reported on the former Niagara Falls resident who was arrested in the City today for a murder committed in North Carolina, and a serious traffic accident that occurred on Hyde Park Boulevard and Lockport Road this morning.

3. City Administrator Owens said that the process to select a new Fire Chief is ongoing, and an announcement is expected to be made next week; this Wednesday will be the Mayor's Night In, and the Mayor will be available to speak to City residents from 5 – 7 PM, or later if needed; and she commended City Controller Maria Brown and her staff for their work in preparing the 2011 Budget.

5. Mayor Dyster and Mrs. Brown noted that for the 2011 Budget, AIM funding has decreased, revenues have decreased, and expenditures have increased, including personnel costs for Police and Fire due to arbitration awards, and increases in pension and health insurance rates. Mrs. Brown said that an e-mail had been sent to Department Heads regarding the issues for 2011, and asking that vacancies be unfilled for 2010 and the positions be eliminated in 2011, and spending cuts during the current fiscal year to lessen the impact for 2011. Council Member Anderson noted that budget cuts on the State level will have a domino effect on municipalities. Chairman Fruscione asked for stricter monitoring of travel and training funds, and questioned travel on Friday for a seminar that begins after the weekend. City Administrator Owens said that she feels training is important for professional development, and Mayor Dyster added that he and the Administrator have in some cases pooled their travel and training funds to give each other more opportunities to attend conferences. The Mayor also added that he feels that his attendance at certain conferences will bring added benefits and funding to the City.

Chairman Fruscione asked the Mayor to give prior notification to the Council on any presentations scheduled during the Council's Work Session.

Council Member Walker asked if the rims on the poles at the Legends Basketball Courts were going to be further extended, and City Engineer Tom Radomski responded that the landscaping and other work had to be done first, and the rims would be put up after that.

6. Director of Public Works David Kinney informed the Council Members that all the signs are in place in the downtown Parking Ramp, and he had met with the DOT regarding downtown signage.

7. Director of Economic Development Peter Kay introduced Joseph Ruffalo, CEO of Niagara Falls Memorial Medical Center, who spoke on the hospital's request for funding from the City to be used to purchase a heart telemetry monitoring system. Mr. Kay also introduced Michelle Vanstrom who spoke in support of a study relative to the Restoration of the Niagara Gorge Rim.

Corporation Counsel Craig Johnson distributed copies of a communication relative to a request for funding to sponsor a Street Hockey Tournament, and asked that the item be added to the Agenda.

Council Member Fournier moved to add the Communication to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The Communication was added to the Agenda as #18

Council Member Grandinetti asked Mr. Kay if the funding that was being requested for economic development projects and undertakings (Agenda Item 3#) would help solve parking issues in the downtown area, and Mr. Kay replied that he was working with Paul Tronolone on the parking issue. Chairman Fruscione said that he understood that USA Niagara was doing the parking study, but Mr. Kay replied that USA Niagara was undertaking a different study. Council Member Grandinetti said that she would help in getting the numbers from USA Niagara on any studies done on the downtown area. She then asked Mr. Kay what this funding would be used for, and he said that part of the funding would go toward a marketing study of the downtown area.

Chairman Fruscione said that he would not want the funding for the storefront creation on Old Falls Street (Agenda Item #4) to all go for soft costs, and Mr. Kay said that it would not.

This Session ended at 5:13 PM

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

There was a Presentation given by David Fabrizio, Chairman of the Niagara Falls Veterans Memorial Commission.

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

Paul Gromosiak	Agenda Item #6
Ron Anderluh	Agenda Items #4, #5, #15 (Congratulated Controller Maria Brown)
Vera Menard	Agenda Item #13
Diane Tattersall	Agenda Items #3, #4
Nicholas D'Agostino	Agenda Items #3, #7, #9
Beverly Barthel	Agenda Item #6
Dan Davis	Agenda Items #4, #6
Ken Hamilton	Agenda Items #5, #6, #13
Helen Kress	Agenda Item #6
Ron Anderluh	Reinstate Events Coordinator Position, Equal distribution of funds for various Festivals, more positive economic development will increase Tax base
Angela Bray	ADA Compliance
Jason Chilcote	Demolitions, pot hole in front of his residence
Nicholas D'Agostino	Demolitions, thanks for paving in the South End, NU students working to beautify the City
Ken Hamilton	Thanks for basketball courts & suggested key Basketball courts at Hyde Park, ADA Compliance, Post signage for road repairs, asked for Volunteers to read to Abate students
Michael Henderson	Suggested improvements at Hyde Park

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CITY CLERK:

Agenda Item #1
Claims Report for the Month of August, 2010.
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2
City Clerk's Report for the Month of August, 2010
THIS ITEM WAS RECEIVED AND FILED
THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR:

NFC DEVELOPMENT CORP., ECONOMIC DEVELOPMENT PROJECTS AND UNDERTAKINGS, FUNDS TRANSFERRED

Agenda Item #3

It is requested that the sum of $420,000.00 be transferred to the NFC Development Corporation for the purpose of undertaking various Economic Development projects and undertakings separate and apart from loans and grants. Any such projects and undertakings must be recommended by the Director of Economic Development. Funding is available from the Special Projects Fund Balance.

Will the Council so approve?

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

Yeas 1
Grandinetti
Nays 4
Anderson, Fournier, Walker, Fruscione

DEFEATED

OLD FALLS ST., STOREFRONT CREATION, TRANSFER OF FUNDS

Agenda Item #4

It is requested that the sum of $200,000.00 be transferred from the Special Projects Fund Balance to an account code designated by the City Controller for the purpose of accomplishing renovation and development of storefronts along Old Falls Street. This effort is undertaken by the Department of Economic Development.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

NIAGARA FALLS MEMORIAL MEDICAL CENTER, HEART TELEMETRY MONITORING SYSTEM, GRANT REQUESTED

Agenda Item #5

Niagara Falls Memorial Medical Center has requested assistance in acquiring a cardiac telemetry monitoring system. The system allows the monitoring of heart functions of cardiac patients. The system costs approximately $343,000.00. NFMMC is requesting a grant of $250,000.00 to pay a portion of the costs of the system. NFMMC has funds available to pay the balance of the purchase price.

Cardiac disease is one of the leading causes of death in Niagara Falls. This monitoring system will allow NFMMC to improve its cardiac services.

A grant of casino revenues to NFMMC to pay a portion of the cost of acquiring the cardiac telemetry monitoring system will enhance public health. Funds for a $250,000.00 grant are available from the local share of 2008 casino revenues received by the City in 2009. State Finance Law §99-h funds may be used to enhance public health.

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

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

Yeas 1
Grandinetti
Nays 3
Anderson, Fournier, Fruscione
Council Member Walker Abstained

DEFEATED

NIAGARA RIVER GREENWAY PROJECT, FUNDING

Agenda Item #6

The Niagara Falls and River Region Chapter of the Wild Ones Native Plants, Native Plants, Natural Landscaping; ("Wild Ones") has received a "consistency" ruling from the Niagara River Greenway Commission, and New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Grant Program is encouraging collaboration among municipalities and citizens in implementing acquisition and development of park lands to protect natural and historical resources, and to enhance our cultural-tourism infrastructure. Wild Ones has subsequently received funding through the appropriate Niagara River Greenway Standing Committee to partially undertake "The Regional Economic Growth through Ecological Restoration of the Niagara Gorge Rim Project."

The City of Niagara Falls, together with the other Robert Moses Parkway Memorandum of Understanding (MOU) entities support the reconfiguration of the Robert Moses Parkway and the restoration of the Niagara River gorge rim and associated landscapes as more fully described in the City of Niagara Falls 2009 Comprehensive Plan, as well as, other prior waterfront and area plans prepared on behalf of the City. The Hydraulic Canal Park will reveal the historic importance of the former canal as part of the unique story of technology and the evolution of electric power generation that is Niagara.

The reconfiguration of the Robert Moses Parkway and the restoration of the Niagara River gorge rim will improve the quality of our natural and historical resources; enhance the community's economic prospects, will be best accomplished by completing the full scope of work contained in the Regional Economic Growth through Ecological Restoration of the Niagara Gorge Rim Project (attached hereto)(copy in City Clerk's Office). The Niagara River greenway funding does not provide for Task #4: the Circulation Plan and Task #5: the Park Urban Interface Plan, which are essential work products necessary to address these and other issues during the State of New York's Transportation "Project Scoping" exercise, which will lead to the design and implementation.

The Niagara Falls and River Region Chapter of the Wild Ones Native Plants, Native Plants, Natural Landscaping has requested that the City of Niagara Falls provide $25,000 to fund these tasks.

Will the Council approve this funding by appropriating $25,000 from the 2010 Capital Program and authorize the Mayor to execute an agreement with Niagara Falls and River Region Chapter of the Wild Ones Native Plants, Native Plants, Natural Landscaping, in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: UNDERGROUND RAILROAD INTERPRETIVE CENTER, CONSULTANT SERVICES, RIGGS WARD

Agenda Item #7

At its March 8, 2010 meeting the City Council approved accepting a grant from the New York State Community Capital Assistance Program in the amount of $250,000 for the restoration of the customhouse. Please be advised that Riggs Ward has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Riggs Ward at its Proposal Price of $185,875. Matching funds have been authorized by the Niagara Falls Underground Railroad Heritage Commission in the amount of $40,000. The non-commission funds are available through Funding Code: S.8020.4720.0449.599.

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: ELLICOTT DEVELOPMENT PARKING, 458-462 THIRD ST

Agenda Item #8

The FBI is one of the tenants of Ellicott Development. Additional agents will be stationed in Niagara Falls temporarily during renovations at the FBI headquarters in Buffalo. The City has been requested to provide temporary off-street parking as an accommodation to a government agency.

Parking will be reserved at the 13 space City lot at 458-462 Third Street from 7 AM to 5 pm Monday through Friday from October, 2010 through March, 2011. The payment for this parking will be $520.00 per month, payable in advance. Reserved parking signs will be paid for by Ellicott Development and approved by the City. The agreement will be month to month. If Ellicott Development finishes the renovation in Buffalo early, they may opt out of this agreement before it expires.

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

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

Yeas 5
Nays 0
APPROVED

HARD ROCK CAFE NEW YEAR'S EVE EVENT, FUNDING

Agenda Item #9

The City has been asked once again to co-sponsor with the Hard Rock Café the New Year's Eve Guitar Drop Event to occur on December 31, 2010, in downtown Niagara Falls on Old Falls Street, adjacent to the Hard Rock Café. The City is willing to contribute the sum of $50,000.00 to the cost of this event, all pursuant to the terms and conditions of an Agreement which will be in form and substance acceptable to the Corporation Counsel. Funding is available through casino revenues.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: RESIDENTIAL ENERGY AUDIT SERVICES, HOME PERFORMANCE PROFESSIONALS, INC.

Agenda Item #10

We respectfully request you authorize the Mayor to enter into a contract for residential energy auditing services with:

TO: Home Performance Professionals, Inc.
133 Marjorie Drive
Tonawanda, NY 14223

FOR: Provision of residential energy auditing services for the residents of the City of Niagara Falls through the Energy Efficiency and Conservation Block Grant

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to twenty-five (25) vendors. The above referenced company submitted the only proposal.

Funds are available through Funding Code: S8400.8401.0449.599.

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING ITEM WAS SUBMITTED BY THE CORPORATION COUNSEL:

CLAIM: GRAY, PATRICK

Agenda Item #11

Date Claim Filed:	N/A
Date Action Commenced:	January 5, 2010
Date of Occurrence:	Retroactive to May 16, 2007
Location:	N/A
Nature of Claim:	Claimant sought reinstatement of GML§207-(a) benefits following award of New York State Disability Retirement.
City Driver:	N/A
Status of Action:	Action Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$110,000.00
Make Check Payable to:	Patrick Gray, Jon P. Getz, as attorney
Conditions:	General Release and a Stipulation of Discontinuance to the City approved by Corporation Counsel.

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

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK:

LANDLORD RENTAL AND PROPERTY REGISTRATION, NOTICE OF MAYOR'S APPROVAL

Agenda Item #12

Please be advised that Mayor Paul A. Dyster on September 9, 2010 duly approved Resolution 2010-72 relative to Amending Chapter 1137 of the Codified Ordinances entitled "Landlord Rental and Property Registration" adopted by Council on September 9, 2010.

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING ITEMS WERE SUBMITTED BY THE HISTORIC PRESERVATI0N COMMISSION:

FIRST CONGREGATIONAL CHURCH, 822 CLEVELAND AVE., HISTORIC DESIGNATION

Agenda Item #13

Attached is the report (on file in the City Clerk's Office) and September 1, 2010 resolution from the Niagara Falls Historic Preservation Commission recommending designation of 822 Cleveland Avenue, the First Congregational United Church of Christ, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the building exterior and the interior public areas (the nave, transepts, apse, choir loft and narthex). Other parts of the interior are not designated.

This proposed designation was approved based on the application of the property owner.

The Historic Preservation ordinance provides:

> 133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the historic landmark designation of the building exterior and interior public areas (nave, transepts, apse, choir loft and narthex) of 822 Cleveland Avenue, and forward the designation to the Mayor, as provided by City Ordinance?

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

Yeas	5
Nays	0
	APPROVED

DAVITT HOUSE, 930 GROVE AVENUE, HISTORIC DESIGNATION

Agenda Item #14

Attached is the report (on file in the City Clerk's Office) and September 1, 2010 resolution from the Niagara Falls Historic Preservation Commission recommending designation of 930 Grove Avenue, aka Davitt House, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the building exterior.

This proposed designation was approved based on the application of the property owner, Kimberly R. Webster.

The Historic Preservation ordinance provides:

> 133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the historic landmark designation of the exterior of 930 Grove Avenue, and forward the designation to the Mayor, as provided by City Ordinance?

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: YWCA OF NIAGARA "TRIBUTE TO WOMEN 2010 NIAGARA AWARD", HONORING, 2010-74
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, on September 28th, 2010, the YWCA of Niagara will celebrate their 2010 Niagara Awards Nominations with "A Tribute to Women" dinner.

Nominees are:

Cheryl A. Antkowiak
Town of Lockport

Anna Barrett
Lockport City School District

Brooke Bodine
Student – Barker Middle School

Maria C. Brown
City of Niagara Falls, New York

Marianna Cantella
Student – Barker Middle School

Kelsey Comstock
Advantage Physical Therapy

Lyn M. Dyster, Ph.D
Kinex Pharmaceuticals, LLC

Clara Kroetsch (posthumous recognition)
Horizon Health Services & Niagara University

Susan Manfredo
Samuel's Grande Manor

Mary B. Montani
Community Volunteer

Mariska Raglow-DeFranco
Student – Niagara Wheatfield High School

Hayley Richbart
Student – Barker Middle School

Rosemary Rongo
Orleans/Niagara BOCES

Bonnie Rose, Ph.D.
Niagara University

Brittany Sample
Student – Barker Middle School

Deborah L. Schutt
Community Missions, Inc.

Barbara Scirto Sullivan
Scirto's Awards & Gifts

Caroline Wojtaszek
Office of the Hon.Sara Sheldon Sperrazza

Virginia Wolbert
Mt. St. Mary's Hospital & Health Center

Also honored will be **Priscilla Addoms, recipient of the 2010 Lifetime Achievement Award.**

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the 2010 Niagara Award Nominees and the recipient of the 2010 Lifetime Achievement Award.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: WATER SUPPLY WELLS, PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY, 2010-75
By: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #16

RESOLVED, that Local Law No. __4__ for the year 2010 be introduced, and that a public hearing be held on such Local Law on the 4th day of October, 2010 at 7:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting a Local Law relative to prohibiting the use of groundwater as a potable water supply or for other purposes by the installation or use of water supply wells (Law on file in the City Clerk's Office).

Yeas 5
Nays 0
ADOPTED

RESOLUTION: BENEFITS OF EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS, ORDINANCE AMENDMENT, 2010-76
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE
COUNCIL MEMBER ROBERT ANDERSON

Agenda Item #17

WHEREAS, Chapter 171 provides for benefits of employees not covered by Collective Bargaining Agreements; and

WHEREAS, the City Council wishes to treat employees equally with respect to benefit as described in that chapter and specifically provide for the inclusion of all Municipal Civil Service Commissioners as recipients of those benefits;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 171.01 is amended to read as follows:

171.01. DEFINITIONS

a. The term "City employee", as used in this Chapter, shall include all full-time employees of the City of Niagara Falls not covered by Collective Bargaining Agreements, excepting seasonal employees, members of the City boards and commissions. For the purpose of retirement system membership, health and dental insurance, life insurance and worker's compensation benefits only, elected officials shall be considered City employees as defined above. For the purpose of health, dental, and life insurance benefits only, Municipal Civil Service Commissioners shall be considered City employees as defined above; and

BE IT FUTHER RESOLVED that the Mayor and City Administrator are authorized to execute any documents required to implement this amendment.

Yeas 5
Nays 0
ADOPTED

STREET HOCKEY TOURNAMENT, FUNDING

Agenda Item #18

The City of Niagara Falls wishes to sponsor a street hockey tournament on October 11, 2010. The tournament is planned to take place at the City of Niagara Falls tennis courts although the location may change as plans develop. This is part of the City Council Sports Fest. Funding for this event is available from account# A7310.4430.0419.007. The approximate amount of $1,656 is the amount remaining in this account from the Sports Fest allocation on June 10, 2010.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 8:02 p.m.

Carol A. Antonucci
City Clerk

October 1, 2010

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

September 27, 2010

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 the City Charter, to be held on Friday, October 1, 2010 at 4:00 PM in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Presentation of the Mayor's Proposed 2011 Budget

Respectfully submitted,

Samuel Fruscione
Council Chairman

The October 1, 2010 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Sam Fruscione at 4:05 PM. in the Council Chambers.

Present: Council Chairman Sam Fruscione, Council Members Robert Anderson, Jr., Steve Fournier, Kristen Grandinetti, Charles Walker – 5.

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

Council Chair Fruscione said the Prayer and led the gathering in the Pledge of Allegiance to the Flag.

October 1, 2010

Dear Honorable Members of the Niagara Falls City Council:

I am happy to present to you today the recommended Municipal Budget for the City of Niagara Falls. I know there is great trepidation in the community about what the future may hold. North Tonawanda had to close a budget gap, and even after layoffs, Mayor Ortt had to propose an overall increase of $.98 per thousand dollars of assessed value. The Town of Wheatfield has to do short-term borrowing of $620,000 this week just to make payroll; they have

$200 left in their sales tax account. Salamanca announced that it was laying off 49 workers, including police officers, as a result of late delivery of casino revenues. Lockport isn't able to finish the budget yet, and may not until mid-November. In Erie County, Executive Chris Collins is laying off 223 current employees, including 14 people from the office of the elected County Comptroller whose job it is to make sure funds are spent wisely. So things are tough all over.

As we meet here today, we face at all levels of government a set of challenges that are almost unprecedented in the history of our nation, our state and our city. These are not unanticipated challenges. By late spring of 2008, with the State sinking deeper into fiscal crisis and the national economy reacting to the shocks emanating from Wall Street, it was already apparent that all New York municipalities faced a series of tough budget years ahead. Therefore, with the able assistance of the City Administrator and City Controller, with the cooperation of the Niagara Falls City Council, and based on the theory that prior planning prevents poor performance, we immediately began taking steps to prepare for what we knew would be a very uncertain future. Today, I will explain how tough decisions made then will help us weather the storm we face today.

In October 2008, I presented a budget that held the tax levy constant, but warned that we were likely experiencing the "calm before the storm." Last year, recalling that warning, I reported that the "tsunami of tough economic news" was at full swell, but we were keeping our heads above water. Once again, I announced we would be able to keep the tax levy constant in 2010. But I warned that "finding a way to keep your head above water until the day the waters finally subside" was what surviving an economic crisis was all about. Today, as I present my proposed 2011 budget, that's still the name of the game. But the water has gotten higher.

One of the most important survival principles when you're in a tough spot is that everyone has to share the pain. Throughout the ongoing 2010 budget year, we have taken steps to cut our expenses to operate city government. At the initiative of Council Chairman Fruscione at the September 7 City Council meeting, the City Council passed a resolution recommending a spending freeze. A memo went out from the City Administrator and Mayor to all Departments on September 15 directing all Department heads to "cease any and all discretionary spending in all budget account lines." This included requests for upgrades or stipends even if otherwise well-deserved.

These actions were just the latest in a series of initiatives dating back over two years. The goal was to control and where possible reduce spending already in the budget pipeline in order to generate fund balance to be re-appropriated for subsequent budgets, including 2010. We saw the writing on the wall. For three years, we have been building Special Project Fund balance, created as a source of funding for the Fire SAFER grant and road and other infrastructure projects. In 2008, we learned that our State aid (i.e., Aid and Incentives to Municipalities or AIM), rather than increasing 9% annually as we had been promised, would be decreasing in future years ($676,606, as it turns out, in 2009 and 2010). Interest income on City bank deposits also declined, and the continuing recession impacted sales tax revenues. Despite this, we were able to generate over $10 million in savings through 2009 and 2010, and even though part of it has been used as planned for major paving and other capital projects, our frugality in the past means we are now in a position to use Special Project Fund Balance to deal with emerging fiscal threats. With that said, because we are doing responsible, multi-year financial planning, I assure you we will have the wherewithal going forward to buffer economic shocks and protect our city from fiscal instability. Everyone is going to have to sacrifice, but we are going to get through this.

Usually storms in this region come in from the southwest, across Lake Erie. The economic storm that we are currently enduring, on the other hand, clearly has its origins to the east—not surprisingly, in the Albany area… Here's what hit us.

First, as noted above, AIM aid—the major source of State aid to distressed municipalities—was cut instead of being increased, which was the State plan. This was especially galling to us, because the whole point of AIM aid was to encourage municipalities to do multi-year planning by guaranteeing them a stable source of income that could be budgeted against recurring expenses.

Albany told us we could count on them. Albany was wrong.

Second, we saw our total obligation for wages increase by over $1.5 million from 2010 to 2011. The vast majority of this is in the Police and Fire Departments, where it was driven by an arbitration award by which we must abide. We recently expanded manpower in both our Police and Fire Departments by implementing COPS and SAFER grants, which are federal grants. I do not regret in any way expanding our ranks of police and firefighters because the taxpayers told me it was their priority. But these things come with a cost that must be paid.

Third, pension expenses for public safety and other public employees increased about $1.3 million. The New York State pension fund, in which we and all other New York municipalities participate, was hard hit by the collapse of Wall Street. Lower returns on the fund's investments created gaps in the State's pension fund that get passed on to local government. Mismanagement on Wall Street sunk the State pension fund; we're stuck with the bill to get it afloat again. There is no alternative.

Fourth, contractual health insurance expenses increased over $1.25 million from 2010 to 2011. Health insurance costs, as we all know, will continue to increase for the foreseeable future. In 2009, in order to address this significant cost, we switched to self-insurance and changed health care brokers, while continuing with the same coverage for our employees. God only knows where we would be today if we had not taken that step last year. We were able to save money without compromising employee health care. Instead of the 12-14% increases in health care costs we sustained in past years, this year our overall increase was only 8%--driven largely by a whopping 20% increase in contractual retiree health care expenses which no mayor can touch. Working together, we kept the increase for our current employees to a modest 4%. One of my goals for this year is to sit down with our City unions and discuss how we can cooperatively lower our future health care costs without diminishing the quality of care our current and former employees need and deserve. We can't ask the taxpayers to pay the insurance companies more than they can afford to pay for policies to cover their own families.

Finally, whereas new construction and the end of some PILOT (payment in lieu of taxes) agreements brought $22.7 million of new business properties on to the tax rolls in 2010, new PILOTs granted by the County IDA in Lockport helped cause a $2.2 million drop in the business tax rolls for 2011. That's bad for everybody, because the rest of us---and especially the other businesses that don't have PILOTs and pay their taxes—have to pick up the slack. I don't think that's fair, and this year we're going to do something to try to address the issue. More on that later.

This "perfect storm" of increased expenses and declining revenues--factors over which we had no control--created a potential budget gap of over $7 million, as we reported to the City Council on September 20, 2010. We asked all Department heads to cut any vacant positions in their current budgets, and submit 10% cuts for 2011 in their discretionary lines. On the 22nd, we followed up by asking for cuts in temporary personnel (excluding youth bureau programs, parking and the golf course), non-contractual uniforms and discretionary overtime. It is not easy to make cuts in a budget that has already been combed over in past years, but I'm proud to report that this process resulted in an estimated $1.2 million dollars in cuts from an already bare-bones budget.

In spite of the extreme challenge we faced, we have a balanced budget, meeting our responsibilities to provide services, limiting the impact to taxpayers, with no layoffs of public safety or other personnel, and with the absolute minimum tax possible under the circumstances. In addition, we were able to do so without backsliding on our past policy of equalizing homestead and non-homestead tax proportions as a way to stimulate job creation and business investment.

For the last three years, we have held the tax levy steady at $27,374,235. Since the cost of living goes up each year by a few percent, that meant having to do more with less each year. We found a way. For 2011, facing a $7 million gap, we had to increase the levy by $1 million, to $28,374,235. That's approximately a 3.6% increase total for the entire period from 2008 to 2011, for an average of less than 1% per year. Another way to look at this:

we are running the City with only $100,000 more than the levy raised in 2007.

This was achieved without using the reassessment process as a back-door method of increasing taxes—we have had no reassessment since 2006. How did we do it?

We paid debt obligations in the budget using $1.5 million from a debt service fund reserved only for that specific purpose. Funds were identified after a careful review showed they were left over from capital projects that had already been completed and paid for.

Starting in 2005, the State began increasing our State aid (AIM). We were told it would increase 9% each year. But we didn't count on that, and that was a good thing, as we know today. However, in the years we did get additional funds, we set them aside for property tax relief, which was a requirement of the AIM program. Now that AIM aid has been cut, those funds are gone. We used $3 million from AIM Fund Balance in 2009, $1.5 million in 2010, and we are left with approximately $756,000 to help close the gap in 2011. That's why we decided to begin using Special Project Fund Balance as a source of funds for property tax relief.

So, in order to address cuts in State aid under the AIM program noted earlier, we used $2.5 million from Special Project Fund Balance, now adding property tax relief to the other restricted purposes (e.g., paving and other capital projects) for which we will also use these funds

As I noted earlier, some businesses in our City have received PILOT agreements from the County IDA that decrease or eliminate their tax liabilities in return for making investments and creating jobs. Other businesses that are opening or expanding are able to take advantage of financial assistance provided by our Niagara Falls City Development Corporation or USA Niagara, the local affiliate of Empire State Development Corporation. On one short stretch of storefronts in the downtown area, the City has already made $300,000 in grants and another $100,000 in loans, with USA Niagara chipping in $307,000. That doesn't include a $50,000 weatherization grant, various façade grants made or in process, or the cost of various infrastructure improvements that benefit all the businesses in the neighborhood. We're glad we're able to help out in strategically important but economically challenged neighborhoods, using funds like slot machine revenues that don't impact anyone's tax bill. We're not going to quit now. But what about the other guys, the existing businesses not planning a major expansion that are just trying to hang on and preserve the jobs they've already created, and the investments they've already made? They're already carrying the burden for the taxes that were lost when properties were taken off the tax rolls so the Seneca Nation of Indians could open the casino. We think we need an economic development program for them, too.

That's why we are using $455,000 of casino revenues to create a Business Tax Relief for Economic Development fund. In spite of our multi-year efforts to equalize homestead and non-homestead tax rates, businesses still pay about $14 more per thousand dollars of assessed value. Creation of the fund will make sure that the burden of balancing the budget doesn't fall disproportionately on the backs of our hard-working small business owners.

Several small sources of revenue are likely to be up next year, including sales tax. But as I noted earlier, after three years with no change in the tax levy, we need to raise some additional revenue in order to keep going. This first proposed tax increase under my administration amounts to about 3.6% for residential properties and, after the Business Tax Relief program is applied, 4.2% for businesses. An average family in an average $75,000 home would pay about $46.50 more than last year; the average business property worth $100,000 would pay about $130.20, or a little over $10 a month, more. If you've been following the news, I think most people expected much worse.

Please note that this amount allows us to avoid putting any of our City employees—the cops that patrol the streets, the firefighters we count on in an emergency, the DPW workers that are rebuilding our fractured streets and sidewalks—into the unemployment line. By working on economic development projects like Globe Specialty Metals, Ashland Advanced Materials, the Norampac expansion, the Culinary Institute and many more, we seek to create job opportunities for our people. But the public sector jobs count, too. How can

I ask private-sector employers not to lay off their workers if I can't find a way to keep my own workers on the job? This budget will allow us to continue doing what the voters elected us to do: rebuild the City of Niagara Falls. We have completely funded the request from our public library trustees, and I want to congratulate the library trustees and staff for submitting the most detailed, thorough and complete accounting of income and expenses we have ever received from them; it in effect creates a new baseline for our efforts to preserve and improve this vital City institution. Our crime-fighting programs such as the Roving Anti-Crime (RAC) unit, firefighting and fire prevention, road and sidewalk repair, youth recreation, senior programs, economic development and other vital programs will be as strong as ever. We are headed in the right direction, and we are not going to quit now.

This administration, as I have noted several times already, prides itself on sound financial management, which has been noted by our bond rating agencies, leading to improvements across the board. It will be noted that this 2011 budget makes use of some one-time revenues—funds that are available now because of past good decisions but that will likely not be there for us in future years. This is something of which we are well aware, and just as in the past we had a multi-year financial plan to deal with the crisis we face today, today we have a multi-year financial plan to deal with the challenges we are surely going to face in the next few years. Through multi-year financial planning, we provide *our own* safety net because we know it is the key to success for any city. We're not counting on anyone to bail us out, because, frankly, we think Albany and Washington have problems of their own to deal with. We plan conservatively—that's small 'c' conservative--using only the revenues we know will be there in the future. That's the business-like approach I pledged the voters I would follow.

All plans are living documents and must react to unanticipated events, from unexpected economic catastrophes to natural disasters and other factors beyond our control. But having sound future plans provides a firm foundation on which to build future policy whatever the future may hold. Please note that, with an approximately 3.6% tax levy increase equally shared by residents and businesses—the first in four years—we have been enabled to close a $7 million budget gap without layoffs or service cuts. This is a very significant accomplishment—and one achieved without touching the recommended 5% of our operating budget ($4.2 million) that we must hold as undesignated fund balance (what the lay person refers to as the City's "rainy day" fund).

We are not out of the woods yet. But if we continue to be strong, build for the future, and make wise decisions about our finances, a bright future will lie ahead for us on the day when this "great recession," like even the deepest and most prolonged economic turndowns of the past, finally comes to an end.

Thanks to our City Administrator, our City Controller and her staff, and all the Department heads and other staff who have helped make this result possible. I look forward to working with the City Council to finalize the 2011 budget as we started it—as a team effort. God bless you, and don't stop thinking about tomorrow.

Sincerely yours,

Paul A. Dyster
Mayor

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 4:25 PM.

Carol A. Antonucci
City Clerk

October 4, 2010

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

The first session of the, October 4, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:00 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member moved to approve the Minutes from the City Council Meeting of September 20, 2010.

Yeas	5
Nays	0
	ADOPTED

Merrell Lane, President of the Niagara Falls Kiwanis Club, presented a check for $900 to the Niagara Falls Fire Department to purchase a misting fan in honor of former Fire Chief William MacKay.

Council Member Kristen Grandinetti presented a proclamation to Tom and Louise Yots in honor of their contributions in promoting the City.

Corporation Counsel Craig Johnson responded to Chairman Fruscione's inquiry on the Local Law to prohibit the use of groundwater as a potable water supply (Agenda Item #12)

This Session ended at 4:15 PM

Chairman Fruscione reconvened the Meeting at 7:00 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:

Paul Gromosiak	Best wishes for Tom & Louise Yots, Local Weekly newspaper, Historic Homes in the City
Ron Anderluh	Vandalism in Gill Creek Park
Ken Hamilton	Legends basketball court issues

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK

Agenda Item #1
NYS COMPTROLLER REPORT-CITY'S OVERSIGHT OF THE NTCC PERFORMANCE(ON FILE IN THE CITY CLERK'S OFFICE)
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: JOB FORCE TRAINING TO MRBS, INC. FUNDED THROUGH STATE GRANT

Agenda Item #2

This year and in past years, the City received state grant funding for an entrepreneurial training program. This year's funding will allow us to conduct two sessions. The first session, an entrepreneurial training program, was conducted by Niagara University, acting by and through its Community Outreach Partnership Center. Rather than present identical sessions, a different type of training is proposed. Job force training will concentrate on unemployed or underemployed individuals, and will train those students in the technical skills and strategies that will enable them to attain and sustain gainful employment in the construction industry.

The job force training will commence this fall and conclude in the spring. The cost is $18,000.00 for an enrollment of 10 students. The cost includes all course materials, facility costs and all other expenses related to the program. The sessions will be conducted by MRBS, Inc., a Buffalo company which successfully conducted these types of sessions. The sessions will be held at the Doris Jones Resource Center and at other sites in the City appropriate for hands on training.

Will the Council vote to approve the Job Force Training agreement as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: UTILITY & ASBESTOS ABATEMENT & DEMOLITION OF VARIOUS PROPERTIES TO MARK CERRONE, INC.

Agenda Item #3

The following bids were received by the Department of Community Development on September 23, 2010 for the demolition of fourteen (14) structures identified below:

CONTRACTOR	**BID AMOUNT**
Mark Cerrone, Inc.	$263,984
Niagara Frontier Services	$269,200
C&R Housing	$309,794
Villani's Lawn Service	$324,600
Empire Dismantlement	$360,100
Metro Contracting & Environmental, Inc.	$375,000

Demolition Contract CD2010-3

1.	1324 Ashland Avenue	8.	1132 Linwood Avenue
2.	46 Duane Avenue	9.	1319 Linwood Avenue
3.	1148 Garden Avenue	10.	1141 Michigan Avenue
4.	2015 Independence Avenue	11.	1336 Michigan Avenue
5.	1124 ½ Linwood Avenue	12.	1367 Michigan Avenue
6.	1128 Linwood Avenue	13.	1122 Willow Avenue
7.	130 Linwood Avenue	14.	1122 ½ Willow Avenue

It is our recommendation that a contract be awarded to the low bidder, Mark Cerrone, Inc. at their base bid amount of $263,984. Funding is available in budget code CD1.8666.0000.0450.500.

Will the Council vote to award contract CD2010-3 to Mark Cerrone, Inc. and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: SCANNING POLICE INDEX CARDS TO BIEL'S INFORMATION TECHNOLOGY SYSTEMS

Agenda Item #4

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

TO: Biel's Information Technology Systems
1201 Indian Church Road
Buffalo, NY 14224

FOR: Indexing and scanning Police Department crime index cards

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (3) vendors. Five (5) bids were received. The above referenced bidder submitted the lowest price to meet our specifications.

Funds for this expenditure are available in the Capital budget code: H0629.2006.0629.0449.599.

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

Yeas 5
Nays 0
APPROVED

DEPARTMENT OF LAW/RISK MANAGEMENT, REORGANIZATION

Agenda Item #5

As a result of the upcoming retirement of an individual who has the position of Administrative Assistant in the Risk Management Division of the Department of Law there is an opportunity to reclassify that position to the title of Administrative Aide - Law. The Municipal Civil Service Commission has already approved the reclassification. If approved, the reclassification will take place on November 1, 2010. The savings will be approximately $2,769.00 for year 2010 and will approximate $16,618.00 in 2011. These savings take into consideration benefits, etc.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: HOUSING AUTHORITY FOR LASALLE FACILITY, AGREEMENT TO EXTEND TO 12/31/2039

Agenda Item #6

In 1969, the City and the Niagara Falls Housing Authority entered into an agreement to construct the LaSalle Facility.

The original term of the agreement was 40 years.

Attached (on file in City Clerk's Office) is a proposed amendment to the agreement which would extend the term to December 31, 2039.

Will the Council so approve and authorize the Mayor to execute same?

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: BUDGET MEETING SCHEDULE, 2010-77
BY: Council Chair Sam Fruscione

Agenda Item #7

BE IT RESOLVED, By the City Council of the City of Niagara Falls, New York, that it hereby schedules Budget Meetings to commence at 4:00pm in the Council Chambers on:

October 14, 20, 21, 26; and November 17, 18 and 23.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: HONORING TOM AND LOUISE YOTS, 2010-78
BY: All Council Members

Agenda Item #8

BY:
Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, Tom and Louise Yots, owners of the Park Place Bed and Breakfast in Niagara Falls, New York, will be leaving the Niagara area in the near future; and

WHEREAS, the Bed and Breakfast is a Niagara Falls Local Historic Landmark and is on the New York State and National Registers of Historic Places. Tom and Louise have always been involved in improving their community; its character and its sense of community and its history. They assisted the YWCA of Niagara in turning the property of Carolyn's House into supportive housing for formerly homeless women and children. Because of their efforts in making Carolyn's House a reality, Tom and Louise received the 2007 Supportive Housing Network of New York Outstanding Neighbors of the Year award; and

WHEREAS, Tom and Louise were members of the Center City Neighborhood Development Corporation. Tom was the City Historian and a previous Chair of the Niagara Falls Historic Preservation Commission. He co-authored "The Power Trail: History of Hydroelectricity at Niagara" which is a history of the development on hydroelectric power on the Niagara Frontier. Louise was the coordinator for the Niagara Greeters Program which promotes the regions many attractions and offerings and the recipient of the 2010 Niagara Gazette Women of Distinction award. Louise was a familiar face at the Niagara Falls City Hall where she decorated the Annual Christmas Tree as well as the entire first floor with the most creative and beautiful Seasonal ornaments and decorations. She also participated in the Annual Christmas Tree lighting and helped to coordinate the entertainment for this popular event.

NOW THEREFORE BE IT RESOLVED, that the members of the City Council of the City of Niagara Falls honor and recognize the efforts and achievements of Tom and Louise Yots and wish them the best in their future endeavors.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: "ZONING ORDINANCE", TECHNICAL AMENDMENTS, 2010-79
BY: Council Chairman Samuel Fruscione

Agenda Item #9

WHEREAS, at its July 13, 2009 meeting the City Council adopted a new Zoning Ordinance; and

WHEREAS, the Planning Board has recommended that the Council adopt certain technical amendments to the Zoning Ordinance as outlined on the attached summary (Attachment A)(on file in City Clerk's Office) and set forth in full on Attachment B (on file in City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt the attached changes to the Zoning Ordinance Table of Contents, Chapter 1303, Chapter 1321, Chapter 1324, Chapter 1328 and Schedules 10 and 11 as set forth on Attachment B.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: AMENDING CHAPTER 1113 OF THE CODIFIED ORDINANCES ENTITLED "ELECTRICIAN LICENSING AND REGULATIONS", 2010-80
BY: Council Chairman Samuel Fruscione

Agenda Item #10

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1113 of the Codified Ordinances entitled AElectrician Licensing and Regulations" is hereby amended by amending Section 113.05 to read as follows:

1113.05 APPLICATION FEE, ELIGIBILITY, EXAMINATION AND ISSUANCE.

• • •

(d) The test for the master electrician license shall be given annually at a time and place to be decided by the Board of Examiners. All applications shall be filed no later than the thirtieth day of June prior to the date on which the examination is scheduled**[, except that for the 2009 examination all applications must be filed by October 5, 2009] ,except that for the 2010 examination all applications must be filed by October 8, 2010**.

• • •

This addition shall take effect immediately and shall expire and be deemed repealed on December 31, 2010.

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

Yeas 5
Nays 0
ADOPTED

RESOLUTION: AMENDING CHAPTER 1111 OF THE CODIFIED ORDINANCES ENTITLED "PLUMBING CODE", 2010-81
BY: Council Chairman Samuel Fruscione

Agenda Item #11

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1111 of the Codified Ordinances entitled APlumbing Code@ is hereby amended by amending Section 1111.10 to read as follows:

1111.10 REGISTRATION AND LICENSING OF MASTER PLUMBERS.

(c) Applications.

(1) Applications shall be advertised at least once each year at the discretion of the Board.

(2) Applications from qualified candidates for examinations shall be filed with the Clerk of the Board at least 60 days 5prior to the examination**, except that for the 2010 examination all applications must be filed by October 12, 2010**. Each application shall be accompanied by the appropriate fee. This application fee is nonrefundable.

(3) The Clerk shall present said application at the next regular meeting of the Board. At this time the Board shall review the application and shall determine the qualifications of the applicant to sit for the examination. Notice of the Board's action shall be sent to the applicant within 30 days of said meeting. An applicant who qualifies must then pay a nonrefundable examination fee.

• • •

This amendment shall take effect immediately; provided that the amendment to Section 1111.10(c)(2) shall expire and be deemed repealed on December 31, 2010.

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

Yeas	5
Nays	0
	ADOPTED

LOCAL LAW: PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY

Agenda Item #12
NIAGARA FALLS LOCAL LAW NO.__4____FOR THE YEAR 2010

A Local Law to amend the Niagara Falls City Charter as amended, by adopting a local law relative to prohibiting the use of groundwater as a potable water supply or for other purposes by the installation or use of water supply wells.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The Niagara Falls City Charter, as amended, is hereby amended by adopting a local Law relative to prohibiting the use of groundwater as a potable water supply or for other purposes by the installation or use of water supply wells to read as follows:

Section 1. Intent, Purpose and Findings.

A. Certain properties in the City of Niagara Falls, New York ("City") have been used over several decades for commercial/industrial purposes. Because of said use, concentrations of certain chemical constituents in the groundwater beneath certain areas of the City are known or may exceed groundwater quality standards as set forth in 6 New York Codes, Rules, and Regulations ("NYCRR") Part 703. The use of wells to supply groundwater for any purpose may cause or influence the migration of chemical constituents within groundwater located within the City.,

B. The use of wells to supply groundwater may have a deleterious effect on those persons exposed to contaminated groundwater pumped from such wells.

C. Groundwater remediation systems are designed to address groundwater and have been installed at numerous properties within the City to remediate and control contaminated groundwater. The effectiveness of the groundwater remediation systems in the City may be significantly impacted by the uncontrolled extraction of groundwater. Any reduction of the effectiveness of groundwater remediation systems in the City would impact the health, safety, and general welfare of the current and future residents of the City..

D. The City desires to limit potential threats to human health while facilitating the redevelopment and productive use of properties that are impacted by groundwater contamination within the City. The ramifications to the public health, safety, and welfare from potential exposure to contaminated groundwater and the potential impacts to groundwater remediation systems far outweigh the benefit of allowing the use of wells to supply groundwater for commercial, industrial, agricultural, residential, and other purposes in certain areas of the City.

E. The purpose of this Local Law is to protect the health, safety, and general welfare of the current and future residents of the City of Niagara Falls. It is also the purpose of this Local Law to prevent the extraction and use of well water within the City for any non-remedial purpose.

Section Two. Water Production Wells Within the City.

1. Scope. The provisions of this section shall apply to all water production wells located in the City of Niagara Falls, other than remediation wells installed and operated as part of an engineered remedial program approved by the New York State Department of Environmental Conservation and/or the United States Environmental Protection Agency or monitoring wells used solely for monitoring in connection with the investigation of soil and groundwater contamination ("Remediation Wells").
2. New Water Production Wells Prohibited. No person shall commence construction of or operate a new water production well within the City of Niagara Falls after the effective date of the ordinance codified by this section. This prohibition shall not apply to Remediation Wells.
3. Registration of Pre-Existing Water Production Wells. Any person, corporation, partnership or other entity which owns property in the City, which has a water production well in operation as of the effective date of this Local Law, other than a Remediation Well, shall register said well with the City and the Niagara Falls Water Board. Registration shall include, but not be limited to, exact location of the well, well history, well specifications, monthly operating information, and an assessment of the well's vulnerability to contaminants. Upon registration of a water production well, the City and the Niagara Falls Water Board shall have the right, upon reasonable notice, to inspect any water production well. The well registration must be renewed every five (5) years from the date of the last valid registration until the City and the Niagara Falls Water Board have received written notice that the water production well has been properly plugged and sealed in accordance with New York State Department of Environmental Conservation Regulations. If ownership of a property in the City with a water production well changes, the new owner must re-register the well within thirty (30) days of the transfer. Any pre-existing water production well, other than a Remediation Well as defined above, shall, upon discontinuance of use, be plugged and sealed in accordance with the New York State Department of Environmental Conservation regulations at the owner's cost.
4. Termination of Right to Operate Water Production Wells. If a pre-existing water production well is not used for a period of six (6) consecutive months, then the well shall no longer be considered a pre-existing water production well and the well shall be plugged and sealed within 90 days in accordance with New York State Department of Environmental Conservation regulations at the owner's cost. The owner shall notify the City and the Niagara Falls Water Board in writing that the water production well has been plugged and sealed.

Section Three. Penalty.

Any person who shall violate a provision of this section or who shall fail to comply with any of the requirements thereof shall be subject to a civil penalty of $5,000.00 for each violation. Each day that a violation is allowed to continue shall constitute a separate and distinct violation

Section Four. Repealer.

All ordinances or parts of ordinances in conflict with this section are hereby repealed insofar as they are in conflict with this section.

Section Five. Severability.

If any provision of this Local Law or its application to any person or under any circumstances should be adjudged invalid, such adjudication shall not affect the validity of the Local Law as a whole or of any portion not adjudged invalid.

Section 2. This Local Law shall take effect as provided in the Municipal Home Rule Law.

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

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci
City Clerk

The October 14, 2010 Budget Work Session of the Niagara Falls City Council was called to order at 4:10 p.m. in the Council Chambers.

Present: Council Chairman Sam Fruscione, Council Members Robert Anderson Jr., Steve Fournier, Kristen Grandinetti, Charles Walker - 5.

Also present: City Administrator Donna D. Owens, Corporation Counsel Craig H. Johnson, and City Controller Maria Brown.

Police Superintendent John Chella and Administrative Captain John DeMarco gave a power point presentation on crime statistics, and noted that gang activities and domestic violence incidents are rising, while burglary remains the #1 crime in the City. They also noted that: the use of a female Officer instead of Detention Aides is a better use of personnel; an increased number of personnel are required to staff the new building at 1925 Main Street; there are presently positions that are unfilled, and additional positions will be unfilled at the end of the year; a significant amount of the budget is spent for overtime because of staffing shortages, but the new Officers who have completed the Academy will help alleviate the problem; contractual obligations present challenges for the Department's budget; and, the Police Sub-Station on Highland Avenue is subsidized by the Community Development Department. Council Member Anderson spoke about the need for additional Officers, which, in turn, will help to lower the crime rate. Council Member Anderson also asked the Chief to address the penalty for illegal use of handicapped parking spaces.

Roberta Sitzman, Acting as Director of Personnel, spoke of the responsibilities of the Department, as well as the additional responsibilities with the implementation of mandates of the Attorney General's Agreement, including the hiring of the EEO Compliance Coordinator and Deputy Coordinator. She requested an additional $4,000 in the consultant line for the Department to implement the employee evaluation system as mandated by the Attorney General.

John Cahill, MIS Director, gave a report on the Department's activities during the year, including upgrading telephone management software Citywide, the City Hall Security Camera System, requirements needed for the new Municipal Services Building, 35 new PCs for City employees and work orders submitted by all City Departments. Council Member Anderson requested that Mr. Cahill work with the City Clerk and the Board of Education to insure that the Council Meetings that are recorded and televised by the school students are of the highest sound and picture quality.

Peter Kay, Director of Economic Development, noted that the amount for Undesignated Services in his Budget included salaries for Planning Board Members, which Council has recently approved. Chairman Fruscione requested that Mr. Kay report back to the Council with the number of Interns working in the Department and their salaries and hours and the University teaching schedule for Thomas DeSantis, Senior Planner.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 5:20 p.m.

Carol A. Antonucci
City Clerk

October 18, 2010

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

The first session of the October 18, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meetings of October 1, 2010 & October 4, 2010.

Yeas	5
Nays	0
	APPROVED

Corporation Counsel Craig Johnson spoke on the locating the Culinary Project of Niagara County Community College at the Rainbow Center, and the donation of the property by Cordish. He recommended the approval of the Council, and also spoke on other agreements that would follow related to the Project.

After Mr. Johnson's presentation, Mayor Paul Dyster called the Meeting of the Niagara Falls URA to order, and then the Meeting of the NFC to order to also vote on the Project.

Mr. Johnson then distributed copies of an amendment to Agenda Item #3, relative to the Community Development 2011 Annual Plan and Budget, and explained that the amendment was to provide funding for the Pine Avenue Pedestrian Access Project. Council Member Grandinetti moved to approve the amendment, and her motion was unanimously approved. Chairman Fruscione asked if the City would handle the entire Project, and Richard Zucco, Community Development Counsel, responded that the City would.

Chairman Fruscione also noted that the roofing project at the John Duke Senior Center does not seem to be completed, and City Engineer Thomas Radomski responded that he would check on the project.

This Session ended at 4:25 PM

Chairman Fruscione reconvened the Meeting at 7:02 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 #6, also suggested adding School of Horticulture
Paul Gromosiak	Focus on good & positive things happening in the City

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CITY CLERK

Agenda Item #1
Claims Report for the Month of September, 2010.
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2
City Clerk's Report for the Month of September 2010
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR:

DEPARTMENT OF COMMUNITY DEVELOPMENT, 2011 ANNUAL PLAN & BUDGET

Agenda Item #3

Attached (on file in the City Clerk's Office) is a copy of the proposed 2011 Community Development Department budget together with a detailed breakdown of program administrative costs. The proposed budget is part of the City's 2011 Annual Plan and Strategy, a HUD mandated planning document that assesses community needs and identifies how the City will address those needs. A copy of the 2011 Consolidated Annual Plan was previously forwarded to City Council.

The 2011 Annual Plan is the end result of a lengthy and detailed citizen participation process that included neighborhood based meetings designed to encourage comments, suggestions and ideas from various community groups, residents, businesspersons and other interested parties. The planning process began in June and concluded with the expiration of the public comment period on September 30, 2010.

A public hearing was held in the City Council Chambers on August 31, 2010 to review the specifics of the plan and the proposed 2011 budget. A copy of the public hearing minutes is included with this agenda item.

The Department of Community Development will directly administer the federal grant programs listed below. The funding levels indicated are projected revenues for 2011 that may change once Congressional funding appropriations are announced.

Community Development Block Grant	$2,500,000
CDBG Program Income	300,000
HOME Investment Partnership Program	640,000
HOME Program Income	72,000
Emergency Shelter Grant	110,000
Section 8 Leased Housing Program	3,100,000
PROJECTED FEDERAL REVENUE	$6,722,000

The Consolidated Plan, including the proposed budgets, must be adopted by City Council and submitted to the U.S. Department of Housing and Urban Development by November 15, 2010. HUD must review and approve the Consolidated Plan in order to establish our letter of credit with the US Treasury. Therefore, Council's approval at this time will represent the officially adopted Community Development, HOME and Emergency Shelter budgets for FY' 2011. The Section 8 Leased Housing Budget is renewed automatically by HUD but must be adopted at this time by City Council.

PROPOSED AMENDMENT TO CITY COUNCIL AGENDA ITEM

MEETING DATE: Monday October 18, 2010
AGENDA ITEM: Item #3 Adoption of 2011 Community Development Annual Plan and Budget

AMENDMENT: In order to fund a proposed Pine Avenue Pedestrian Access Project with $100,000 in 2011 Community Development Block Grant Funds, the following budget lines in the Mayor's original budget proposal will be reduced as indicated below:

Demolition	($27,000)
City of NF Housing Rehabilitation	($18,250)
Center City NDC Housing Rehabilitation	($18,250)
NF NHS Housing Rehabilitation	($18,250)
Highland Community Revitalization Rehab	($18,250)
Total	($100,000)

PURPOSE: The Pine Avenue Pedestrian Access Project will utilize $100,000 in 2011 CDBG funding to acquire a vacant, condemned structure located at 2727 Pine Avenue. The structure will be demolished and the site will be developed with the intent of providing access to the City parking lot on 28th Street for customers patronizing Pine Avenue business establishments. Lighting, landscaping and access paths will be included in the improvement plan.

Will Council vote to so approve the 2011 Annual Plan & Budget and authorize the Mayor to implement all activities specifically identified in the plan? Any activity not specifically identified in the plan will be returned to Council for approval.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: 2010 CHIPS SIDEWALKS REPLACEMENT PROGRAM, VENTRY CONCRETE CONSTRUCTION, INC.

Agenda Item #4

A contract for the above referenced project was awarded to Ventry Concrete Construction, Inc. on May 17, 2010 in the amount of $220,000.00.

Subsequent to the start of work, additional sidewalk removals/replacements were required in order to address **completely** an existing hazard at the conclusion of this year's project. The cost of the additional sidewalk installations is $1,217.95, bringing the total contract amount to $221,217.95

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

Yeas 5
Nays 0
APPROVED

CONTRACT: LEWISTON ROAD RECONSTRUCTION, MAN O'TREES, INC

Agenda Item #5

A contract for the above referenced project was awarded to Man O'Trees, Inc. on June 29, 2009 in the amount of $ 7,713,000.00.

Unforeseen water line relocation was necessary on Bath Avenue from Lewiston Road to Whirlpool Street. This relocation was due to numerous conflicts with existing sewer lines.

The approximate addition to the contract for this scope of work is $103,215.00. The quantities that comprise this addition are estimates and will be confirmed with field measurements for actual payment. These waterline additions are required by the road project improvements and should be reimbursable under the current State agreement. However, current underruns and items not presently in use will allow this additional work to be performed with no change ($0.00) to the existing 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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CULINARY INSTITUTE PROJECT, CONSENT FOR RAINBOW SQUARE LTD TO ASSIGN INTERESTS

Agenda Item #6

In an effort to advance the proposed Culinary Institute Project in the Rainbow Mall, the City, together with the Niagara Falls Urban Renewal Agency and the NFC Development Corporation must consent to the assignment of interests belonging to Rainbow Square Ltd.

Will the Council approve the Mayor to sign an agreement allowing the assignment of Rainbow Square's interest in a form acceptable to the Corporation Counsel as well as any other agreement pertaining to the disposition of those interests?

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

Yeas	5
Nays	0
	APPROVED

NEW YORK POWER AUTHORITY, INSTALLATION OF A SOLAR PHOTOVOLTAIC PROJECT AT THE DPW CENTRAL GARAGE

Agenda Item #7

The New York Power Authority has proposed to install a Solar Photovoltaic Power System at the Niagara Falls Department of Public Works Central Garage on New Road.

This installation will be done at no cost to the City and upon the successful completion of the installation the ownership of the project equipment will pass to the City.

Will the Council so approve and authorize the Mayor to execute an Agreement with the New York Power Authority in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

LASALLE FACILITY, NEW YORK STATE COMMUNITY CAPITAL ASSISTANCE PROGRAM, GRANT

Agenda Item #8

The City has received a $200,000 grant in the above referenced program for the roof, security lighting and interior renovations.

No City match is required.

Will the Council authorize the Mayor and City Administrator to file the necessary certifications with the Dormitory Authority of the State of New York which is administering the grant, and execute any other documents in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

HARD ROCK CAFÉ, PINKTOBER EVENT

Agenda Item #9

The City has been asked to co-sponsor with the Hard Rock Café the "Pinktober" event scheduled for Thursday, October 28, 2010. The purpose of this event is to promote breast cancer awareness and the fight against breast cancer. This event will include a concert on Old Falls Street adjacent to the Hard Rock Café as well as the International Pinktober Pink Ribbon demonstration on the Rainbow Bridge for the benefit of the American and Canadian Cancer Society. The City's contribution as a sponsor for this event will be Police and EMT presence as well as assistance as needed from the Department of Public Works. As a co-sponsor, the City's logo will appear on the event t-shirt.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

NATIONAL GRID, SETTLEMENT AGREEMENT

Agenda Item #10

An issue exists statewide with National Grid and villages and cities, such as the City of Niagara Falls, that impose a local Gross Receipts Tax ("local GRT") pursuant to General City Law Section 20-b on certain purchases of commodities such as electricity. National Grid in its calculation and recalculations take the position that it has made tax overpayments to the City for the period covering 2005 through December of 2008 in the total amount of $303,516.21. In December of 2008, when National Grid discovered its miscalculation, it began withholding payments to the City for approximately one (1) year which amounted to $131,900.00. During that period of time National Grid applied for an adjustment of its tariffs with the Public Service Commission and obtained an amended tariff. Payments will be made to the City going forward. National Grid's proposal is that it will not pursue a claim for overpayments made to the City totaling $303,516.21 in exchange for the City not pursuing its claim of $131,900.00. National Grid's proposal will be memorialized in a settlement agreement in form and substance acceptable to the Corporation Counsel.

Will the Council authorize the settlement with National Grid and authorize the Mayor to execute the same?

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

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CORPORATION COUNSEL:

CLAIM: MAXWELL, KECIA L.

Agenda Item #11
RE: Request for Approval to Settle and Pay Claim of Kecia L. Maxwell
545 Tronolone Place #2, Niagara Falls, NY 14301

Date Claim Filed:	September 3, 2009
Date Action Commenced:	N/A
Date of Occurrence:	July 3, 2009
Location:	11th Street, Niagara Falls, New York
Nature of Claim:	Automobile damage sustained during City paving project.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$304.00
Make Check Payable to:	"Kecia L. Maxwell"
Conditions:	General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: SCHNEIDER, JOYCE H.

Agenda Item #12
RE: Request for Approval to Settle and Pay Claim of Joyce H. Schneider 9455 Niagara Falls Boulevard, D4, Niagara Falls, NY 14304

Date Claim Filed:	July 12, 2010
Date Action Commenced:	N/A
Date of Occurrence:	May 31, 2010
Location:	Parking lot of 8735 Niagara Falls Boulevard
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Patrick Stack
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$778.14
Make Check Payable to:	"Joyce H. Schneider"
Conditions:	General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CITY CLERK:

SECOND HAND DEALERS LICENSE, NELSEAU DOREAU, NIAGARA COMPUTER

Agenda Item #13

Chapter 338 of the Codified Ordinances states: "…City Council may grant a license to carry on the business of Second Hand Dealer within the City"…

The following has submitted an application for a Second Hand Dealer License, and this application has been approved by the N. F. Police Department:

Nelseau Doreau 1809 Pine Avenue Niagara Computer

Will Council so approve?

Council Member Fournier moved that the communication be denied

Yeas	0
Nays	5
	DEFEATED

BENEFITS OF EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS, APPROVAL, RESOLUTION 2010-76

BY: Council Chairman Samuel Fruscione
Council Member Robert Anderson

Agenda Item #14

Resolution 2010-76 relative to amending Chapter 171 of the Codified Ordinances pertaining to Benefits of Employees Not Covered by Collective Bargaining Agreements, which was adopted by Council on September 20, 2010, and presented to Mayor Paul A. Dyster for his approval/disapproval on September 21, has been returned to me with neither the Mayor's approval nor veto.

The City Charter states that "If within ten working days after local legislation shall have been presented to him, the Mayor neither approve it nor return it to the Clerk with his objection, it shall be deemed to be adopted in like manner as if he had signed it".

Therefore, the Ordinance amendment is deemed adopted.

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: RELATIVE TO NOTICE OF SUBMISSION OF PROPOSED 2011 EXECUTIVE BUDGET AND PUBLIC HEARING, 2010-82

Agenda Item #15
RELATIVE TO NOTICE OF SUBMISSION OF PROPOSED 2011 EXECUTIVE BUDGET AND PUBLIC HEARING
BY: ALL COUNCIL MEMBERS

WHEREAS, on October 1, 2010, the Mayor of the City of Niagara Falls duly submitted to the City Council the proposed 2011 Executive Budget for the City of Niagara Falls; and

WHEREAS, pursuant to Section 5.6a of the Niagara Falls City Charter, this Council shall cause public notice submission of said Executive Budget to be published together with a copy of a summary of said budget, and notice of the time and place of a public hearing thereon.

NOW THEREFORE BE IT RESOLVED, by the City Council of Niagara Falls, New York, NOTICE IS HEREBY GIVEN that on October 1, 2010, the proposed 2011 Executive Budget, a summary of which is attached hereto and made a part hereof, was duly submitted to this Council; and

BE IT FURTHER RESOLVED, that a public hearing be held on November 1, 2010 at 7p.m. Daylight Saving Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2011 Executive Budget, at which time the Mayor, Administrator and Controller shall be present, at which time any person may be heard for or against the proposed budget; and

BE IT FURTHER RESOLVED, that a copy of this resolution calling for a hearing, together with the budget summary, be published in the Niagara Gazette at least one week prior to the date of said hearing; and

BE IT FURTHER RESOLVED, that copies of said proposed budget be made available for inspection in the office of the City Clerk.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: RELATIVE TO AMENDING CHAPTER 1313 AND SCHEDULES 8, 12 & 13 OF THE "ZONING ORDINANCE", 2010-83

Agenda Item #16
RELATIVE TO AMENDING CHAPTER 1313 AND SCHEDULES 8, 12 AND 13 OF THE "ZONING ORDINANCE"
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

WHEREAS, at its July 13, 2009 meeting, the City Council adopted a new Zoning Ordinance; and

WHEREAS, the Planning Board has recommended that the Council adopted certain amendments to the Zoning Ordinance as outlined on the attached recommendation (on file in the City Clerk's Office) to Council and Planning Board resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt the attached changes to Section 1313.3 as set forth on the attached sheet marked "Proposed" and the attached Schedules 8, 12 and 13.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: RELATIVE TO AMENDING CHAPTER 1314 AND SCHEDULE 1 OF THE "ZONING ORDINANCE", 2010-84

Agenda Item #17

RELATIVE TO AMENDING CHAPTER 1314 AND SCHEDULE 1 OF THE "ZONING ORDINANCE"

BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

WHEREAS, at its July 13, 2009 meeting, the City Council adopted a new Zoning Ordinance; and

WHEREAS, the Planning Board has recommended that the Council adopted certain amendments to the Zoning Ordinance as outlined on the attached recommendation (on file in the City Clerk's Office) to Council and Planning Board resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt the attached changes to Sections 1314.1 and 1314.3 and Schedule 1 as set forth on the attached sheets marked "Proposed".

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:20 p.m.

Carol A. Antonucci
City Clerk

OCTOBER 20, 2010

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The October 20, 2010 Budget Work Session of the Niagara Falls City Council was called to order at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Sam Fruscione, Council Members Robert Anderson Jr., Steve Fournier, Kristen Grandinetti, Charles Walker - 5.

Also present: City Administrator Donna D. Owens, Corporation Counsel Craig H. Johnson, and City Controller Maria Brown.

Fire Captain Patrick Martin noted that the large increases in some of the lines of the Department's Budget were due to an Arbitration Award. He expressed concern about equipment purchases that were made using Casino funds if the funds continue to be withheld. He also asked that Travel and Training funding be increased to allow the new Chief to use it as he sees fit, and City Controller Maria Brown suggested that the new Chief come back to the Council with any funding concerns he may have. The Department is purchasing turnout gear on a rotating schedule to avoid a large purchase every ten years, which is the expected lifespan of the gear. Captain Martin also spoke about the cost to maintain a Fire Department presence at downtown concerts and various other events, and Council Member Walker said that the costs need to be taken into account when Budget concerns are an issue. Council Member Anderson suggested working with staff at the Air Base for help on various issues.

EEOC Officer Ruby Pulliam thanked the Council for their support as she began her employment with the City, explained the functions of her Department, and outlined her goals and objectives for 2011. She spoke about ADA compliance and diversity training for City employees, the City's Discrimination and Harassment Policy, and training for her newly appointed Deputy.

City Engineer Thomas Radomski spoke about the millions of dollars in projects that his Department oversees, and noted that overtime costs are reimbursed by the various contractors. Council Member Walker expressed his concern about the slow progress of some projects, especially the Cedar Avenue and Tenth Street Projects, and Mr. Radomski responded that as long as the contractors are working within the timeframe of their contracts, the City has no recourse. Council Member Fournier asked if the Ice Rink Project would be completed in time, and asked that Mr. Radomski make every effort to move the Project forward as quickly as possible. Mr. Radomski also reported that he meets bi-weekly with staff of the Water Board.

City Clerk Carol Antonucci spoke on additional responsibilities for dog licensing that her Office will be mandated to assume on January 1st, and the revenue that is realized by the License and Code Compliance Inspector.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 5:25 p.m.

Carol A. Antonucci
City Clerk

OCTOBER 21, 2010

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The October 21, 2010 Budget Work Session of the Niagara Falls City Council was called to order at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Sam Fruscione, Council Members Robert Anderson Jr., Kristen Grandinetti, Charles Walker – 4--Absent-Steve Fournier-1

Also present: City Administrator Donna D. Owens, Corporation Counsel Craig H. Johnson, and City Controller Maria Brown.

David Kinney, Director of the Public Works and Parks Departments, said that the Budget for his Department was as lean as possible, and increases for mandated contractual obligations were included. The increase in the cost for security at the Corporation Yard was discussed, and it was suggested that a security camera be placed in the area of the gas tanks, and other alternatives for security be explored when the current security contract expires next year. Chairman Fruscione inquired if there would be a penalty to end the security contract before its expiration date. Council Member Anderson asked if the position of Stationary Engineer for the new Municipal Building was looked into, and City Controller Maria Brown responded that the City could not afford to fund the additional position at this time. The Council Member suggested looking into a shared services agreement with the School District for the position. Mr. Kinney also spoke about the expenses involved for repairs at the Municipal Complex, due to the specialized equipment, and suggested that service contracts might be an option to explore. He noted that the Traffic Engineering Department is always on call, and only utilities are budgeted for the Public Safety Building. During a discussion on the Ice Pavilion, Corporation Counsel Craig Johnson said that he was looking into the lease for the building, and Mr. Kinney added that separate utility meters have been hooked up, except the City will continue to pay the water bill. The City is responsible for maintenance of the building, and Council Member Grandinetti suggested looking into use of the building throughout the entire year.

Mr. Kinney noted that the City had received $139,000 for the sale of millings, and revenue at the Golf Course had exceeded $800,000 for the year.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 5:40 p.m.

Carol A. Antonucci
City Clerk

The October 26, 2010 Budget Work Session of the Niagara Falls City Council was called to order at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Sam Fruscione, Council Members Robert Anderson Jr., Steve Fournier, Kristen Grandinetti, Charles Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, Corporation Counsel Craig H. Johnson, and City Controller Maria Brown.

Purchasing Agent Dean Spring spoke on staffing changes in his Department as a result of the retirement of the Records/Asset Control Officer. This person has also been performing the duties of grant writing, and Mayor Paul Dyster added that he will work with the Council to assure that grant writing continues. Council Member Anderson suggested that the person who is hired have grant writing experience. City Controller Maria Brown explained the savings in the Budget for this Department. Mr. Spring also noted that the new sound system for the Council Chambers should be installed within the next two weeks.

City Assessor Dominic Penale reported that reorganization of his Department during the year due to employee retirements has resulted in a savings of $25,000 in his Budget. He asked that Travel and Training funds be kept for required training for new employees; the line for software maintenance covers the online OARS system; the advertising line is to inform the citizens of exemptions that they may file for; and, the line for appraisers is needed when assessments are challenged. Council Member Anderson commended Mr. Penale for the customer service that his Office staff provides for the citizens.

Director of Code Enforcement Dennis Virtuoso informed the Council Members that positions were left out for his Department when the Budget was prepared; the undesignated services line is used to pay for plumbing and electrical inspections that are performed by outside contractors; the overtime line covers inspections for board ups outside regular work hours; the uniform line is needed for new employees, and Mrs. Brown suggested purchasing new uniforms every two years instead of each year; and, suggested a small amount be set aside to pay for damage to leased cars when the lease ends. Council Member Anderson asked that issue of leasing rather than purchasing vehicles be reviewed again.

Library Director Michelle Petrazzuolo thanked the Council Members for their support as she began her position. Mayor Dyster noted additional funding for the Library in 2011, and said that he was encouraged by the direction that the new Library Director was taking. The Director said that she had reorganized her staffing level, and included in the detailed Budget she had submitted an Administrative Assistant for herself, and a Branch Manager and part time position for maintenance at the LaSalle Branch.

Corporation Counsel Craig Johnson distributed a new organizational chart for his Department due to the staffing changes in the Law Department and Risk Management Departments. He requested that the amounts in the lines for overtime, consultants and books, magazines and memberships remain. Deputy Corporation Counsel Thomas O'Donnell noted that the clerical position in the Risk Management Department would be filled at a lesser grade and title due to the retirement of the current employee. He also said that the Safety Officer is shared with the Water Board.

City Controller Maria Brown spoke on the duties that she and her Department perform. She also said that the IRS is in the process of conducting an Audit, and it is going well.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 5:30 p.m.

Carol A. Antonucci
City Clerk

November 1, 2010

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

The first session of the November 1, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:03 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meetings/Budget Work Sessions of October 14, 18, 20 & 21, 2010

Yeas 5

Nays 0

APPROVED

Director of Business Development Fran Iusi and Renewal Community Coordinator Tom Tedesco of the Economic Development Department gave a demonstration and spoke about the Department's commercial data base, and said that the response from the business community had been positive.

A representative of Niagara Falls Memorial Medical Center spoke on use of funding the hospital had requested from the City for improvements at the entrance of the hospital (Agenda Item #2).

In the Administrative Update:

1. City Administrator Donna Owens informed the Council Members that the starting date for new Fire Chief would be November 8.

2. Director of Public Works David Kinney reported that the air exchange and new sound system for the Council Chambers would be in place for the next Council Meeting, and noted that 40 streets have been repaired in-house by his Department, including repairs/replacement of catch basins. Council Member Anderson commended Mr. Kinney and his staff for the work that had been done, and Chairman Fruscione asked that the elevator doors at City Hall be painted.

3. City Administrator Owens said that the memorabilia cabinet for the lobby at City Hall should be in place by the end of the month.

4. City Engineer Thomas Radomski gave an update on the Cedar Avenue/Tenth Street, 72nd Street and Lewiston Road Projects; said that the asphalt and benches at the Legends Basketball Courts are in place, the lights will be installed in about 8 – 10 weeks, and the backboards will be installed this week; and the Hockey Rink should be completed by the 19th of the month.

5. Director of Economic Development Peter Kay reported that the Culinary Institute is moving forward; the Norampac Project is in the works, and has a few more steps to go before the it will be in place; and the Inn on the River should be open for business before the end of the year.

6. Director of Code Enforcement Dennis Virtuoso said that 54 properties have been demolished this year at a cost of $1.4M,; the Historic Preservation Commission would be giving him a list of properties that have been released by the Commission for demolition, and Mr. Virtuoso would be coming back to the Council for funding. Council Member Anderson asked that Mr. Virtuoso and City Controller Maria Brown look into the use of "smart cars" for the Code Enforcement Department as a cost savings measure.

Mayor Paul Dyster spoke on Agenda Item #12, relative to the Culinary Institute Project, and thanked the Council Members for their support of the Project.

Chairman Fruscione asked the Mayor about the status of contract negotiations with the remaining City Unions, and the Mayor responded that a Committee will be working together to address ways to lower the health care costs.

This Session ended at 5:10 PM

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fruscione and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

PUBLIC HEARING

Relative to the Adoption of the Proposed 2011 Executive Budget
Mayor Paul A. Dyster and City Comptroller Maria Brown were present for the Public Hearing.

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

Ron Anderluh	No tax increase, encourage economic development
Ron Anderluh	Agenda Items #12, 17
Bill Bradberry	Agenda Item #12
Ken Hamilton	Agenda Items #19, 20

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: LAUNDRY & RENTAL SERVICES, BID #44-10, COYNE TEXTILE SERVICES & MORGAN SERVICES

Agenda Item #1

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

TO: Coyne Textile Services
111 James E. Casey
Buffalo, NY 14206
FOR: Item #'s 2, 4 – 13 and 16 – 23 per the attached tally sheet.

TO: Morgan Services
325 Louisiana Street
Buffalo, NY 14204
FOR: Item #'s 1, 3, 14, 15 and 24 – 27 per the attached tally sheet (on file in the Clerk's Office).

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eight (8) vendors. Four (4) bids were received. The above referenced companies submitted the lowest bids for each respective item.

Funds for this expenditure are available in various Departments, Laundry and Cleaning code: .0465.000.

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

Yeas	5
Nays	0

APPROVED

NIAGARA FALLS MEMORIAL MEDICAL CENTERE, 10TH STREET ENTRANCE IMPROVEMENTS, FUNDING

Agenda Item #2

Niagara Falls Memorial Medical Center has requested that the City consider funding improvements to the hospital's main entrance at 620 10th Street. The proposed improvements are designed to protect patients and visitors from the elements through the construction of a "Kalwall" canopy to be added to the building's entrance, walkways and drop-off areas. Lighting will be installed to illuminate walkways, entrances and the street between the entrance and the parking ramp. Specific design elements utilized at Schoellkopf Park ER One and the Heart Center including, benches, trash receptacles and landscaping will be incorporated into the restored drop-off areas.

Niagara Falls Memorial Medical Center serves a disproportionately large share of elderly and low income persons and this project will benefit elderly patients, visitors and neighborhood residents alike. The project will enhance neighborhood safety and provide improved accessibility.

The total project cost is estimated to be $300,000. The Medical Center will contribute $50,000 and is requesting $250,000 from the City. This project was submitted for funding consideration as part of the 2011 CDBG budget process; however, due to limited resources it was not included in the spending plan.

It is our recommendation $250,000 in Community Development Miscellaneous Revenue funds be approved for this project from budget code CD3 6980.0000.0450.500.

Will the Council vote to approve and authorize the Mayor to execute an agreement to provide funding for this project in a form acceptable to the Corporation Counsel?

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

Yeas	4
Nays	0
Council Member Walker	Abstained
	APPROVED

PASSAGE HOUSE HVAC SYSTEM REPAIRS, FUNDING

Agenda Item #3

Family and Children's Service of Niagara has successfully operated the PASSAGE House for many years. This facility provides a safe, sheltered environment for women that are victims of domestic violence. In previous years, City Council has approved the use of Emergency Shelter Grant Funds for the rehabilitation of the shelter and to offset operating costs incurred by Family & Children's Service.

Family & Children's Service has informed the Department of Community Development that the heating system servicing the 2nd floor of the facility is in dire need of replacement. The 1st and 3rd floors of the facility have a separate heating system that is functioning well. The low price submitted to replace the 2nd floor heating/AC system was $3,800.

It is our recommendation that $3,800 of Emergency Shelter Grant funds be approved by Council for this project. Emergency Shelter Grant Funds are available in budget code CD7 8691.0000.0450.500

Will the Council vote to approve and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

222 FIRST STREET, ENTRANCE AWNING ENCROACHMENT ON CITY PROPERTY

Agenda Item #4

The owner of the above referenced property has applied for an entrance awning encroachment into the City's right-of-way.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted subject to the attached conditions (on file in the City Clerk's Office).

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

2715 PINE AVENUE, CANOPY ENCROACHMENT ON CITY PROPERTY

Agenda Item #5

The owner of the above referenced property has applied for a canopy sign encroachment into the City's right-of-way.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted subject to the attached conditions (on file in the City Clerk's Office).

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

NIAGARA INTERNATIONAL TRANSPORTATION TECHNOLOGY COALITION, MEMORANDUM OF UNDERSTANDING

Agenda Item #6

The City has participated in the above referenced Coalition for a number of years. Attached (on file in the City Clerk's Office) is the restated Memorandum of Understanding for the Coalition's activities for the next two years. The purpose of the Coalition is to improve the flow of traffic throughout the areas adjoining the border and across the international boundary.

The City is not committing any funds to the operation of this consortium but will only be a participant.

Will the Council so approve and authorize the Mayor to execute the attached Memorandum of Understanding?

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

Yeas	5
Nays	0
	APPROVED

HYDE PARK ICE PAVILION ADDITIONS/ALTERNATIONS, MECHANICAL CONTRACTOR, CHANGE ORDER #1, J.W. DANFORTH

Agenda Item #7

A contract for the above referenced project was awarded to J.W. Danforth on April 5, 2010 in the amount of $737,000.00.

Due the course of construction, existing and unforeseen conditions were discovered and required immediate attention for the best interests of the City. Additional work totaled $14,011.00 for these various tasks. Payment for this additional work is available in the current project's contingency line set up with casino funds.

It is the recommendation that Change Order #1 be approved on the amount of $14,011.00 establishing the new contract amount to $751,011.00.

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

Yeas 5
Nays 0

APPROVED

HYDE PARK ICE PAVILION ADDITION/ALTERATIONS, PLUMBING CONTRACTOR, CHANGE ORDER #1, J.R. SWANSON PLUMBING CO

Agenda Item #8

A contract for the above referenced project was awarded to J.R. Swanson Plumbing Co. on April 5, 2010 in the amount of $421,900.00.

Due the course of construction, existing and unforeseen conditions were discovered and required immediate attention for the best interests of the City. Additional work totaled $42,893.18 for these various tasks. Payment for this additional work is available in the current project's contingency line set up with casino funds.

It is the recommendation that Change Order #1 be approved on the amount of $42,893.18 establishing the new contract amount to $464,793.18.

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

Yeas 5
Nays 0

APPROVED

HYDE PARK ICE PAVILION ADDITIONS/ALTERATIONS, GENERAL CONTRACTOR, CHANGE ORDER #1, SICOLI CONSTRUCTION SERVICES

Agenda Item #9

A contract for the above referenced project was awarded to Sicoli Construction Services on April 5, 2010 in the amount of $1,514,400.00.

During the course of construction, existing and unforeseen conditions were discovered and required immediate attention in the best interests of the City. Additional work totaled $104,997.41 for these various tasks. Payment for this additional work is available in the current project's contingency line set up with casino funds.

It is the recommendation that Change Order #1 be approved on the amount of $104,997.41 establishing the new contract amount to $1,619,397.41.

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

Yeas 5
Nays 0

APPROVED

HYDE PARK ICE PAVILION ADDITIONS/ALTERATIONS, ELECTRICAL CONTRACTOR, CHANGE ORDER #1, CIR ELECTRIC

Agenda Item #10

A contract for the above referenced project was awarded to CIR Electric on April 5, 2010 in the amount of $423,000.00.

Due the course of construction, existing and unforeseen conditions were discovered and required immediate attention for the best interests of the City. Additional work totaled $23,687.59 for these various tasks. Payment for this additional work is available in the current project's contingency line set up with casino funds.

It is the recommendation that Change Order #1 be approved on the amount of $23,687.59 establishing the new contract amount to $446,687.59.

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

Yeas	5
Nays	0
	APPROVED

ZOOM PROGRAM, CREATION/FUNDING ASSOCIATE DEPUTY DIRECTOR-CLEAN NEIGHBORHOOD AND ZOOM

Agenda Item #11

In an effort to continue and enhance the ZOOM Program, it is requested that the new position of Associate Deputy Director-Clean Neighborhood and ZOOM be created. This will be effective November 2, 2010. This position will be considered exempt. The funding for this new position for the balance of 2010 is available from casino revenues in an amount not to exceed $12,000.00.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CULINARY INSTITUTE PROJECT, DEVELOPMENT AGREEMENT WITH NCCC, USA NIAGARA DEVELOPMENT CORP & THE CITY OF NIAGARA FALLS

Agenda Item #12

In order to further advance the Culinary Institute Project it is necessary for the City to enter into a Development Agreement with Niagara County Community College and USA Niagara Development Corporation which, among other things, will describe the selection process for a construction manager, describe the various phases of the project and address the development of that portion of the Rainbow Mall premises not used for the Culinary Institute project and the Balloon Launch Parcel. The agreement will also describe the financial participation of each of the parties, including the City. In this regard, during its meeting on October 14, 2008, the City Council authorized $1.5 million of casino revenues to be appropriated for the Culinary Institute Project. That money remains in place and is available for the Culinary Institute Project. At this time, it is requested that the City contribute an additional $1 million to the Culinary Institute Project. Funding is available from casino revenues in the amount of $500,000 and from Special Projects Fund Balance in the amount of $500,000. Therefore, the City's total contribution to the Culinary Institute Project will be $2.5 million. The incentives for the City's financial participation in the project are that it is believed that the development of the Culinary Institute in the long vacant Rainbow Mall premises will be an economic development catalyst for the City as well as the commitment from USA Niagara Development Corporation to make substantial improvements to the City owned parking ramp, the cost of which will be approximately $8 million.

Will the City Council authorize the Mayor to execute a Development Agreement in form and substance satisfactory to the Corporation Counsel and also reaffirm its October 14, 2008 appropriation of $1.5 million in Casino Revenues for the Culinary Institute Project together with an additional $1 million for the Culinary Institute Project?

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

Yeas	5
Nays	0
	APPROVED

DEPARTMENT OF LAW/RISK MANAGEMENT, REORGANIZATION

Agenda Item #13

Please recall that at the City Council meeting held on October 4, 2010 the Council approved the reclassification of the position of "Administrative Assistant" in the Risk Management division of the Department of Law to Administrative Aide-Law. This was classified as a Grade 12 position. The Annual savings were projected for 2011 to be $16,618.00. After further review it is requested that the position be further reclassified to "Worker's Compensation/Law Aide" at a Grade 7. This will result in additional savings of $10,092.00. This is to be effective November 2, 2010. In addition, it is requested that the position of Account Clerk be created at a Grade 7 ($22,919.00) and that the salary of Junior Account Clerk be reduced to $1. This will be effective November 2, 2010. Attached hereto (on file in the City Clerk's Office) is a worksheet which shows the action to be taken and the resulting savings. The savings for the balance of year 2010 will be $1488.13 and the total savings for 2011 will be $26,922.74.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CITY CLERK:

RESOLUTIONS 2010-80, 2010-81, 2010-76, APPROVAL

Agenda Item #14

Please be advised that Mayor Paul A. Dyster, on October 6, 2010, duly approved the following:

1. Resolution 2010-80, relative to Amending Chapter 1113 of the Codified Ordinances entitled "Electrician Licensing and Regulations" which was adopted by Council on October 4, 2010
2. Resolution 2010-81, relative to Amending Chapter 1111 of the Codified Ordinances entitled "Plumbing Code" which was adopted by Council on October 4, 2010

Also, Resolution 2010-76, relative to Amending Chapter 171 of the Codified Ordinances pertaining to "Benefits of Employees not covered by Collective Bargaining Agreements" was neither approved nor disapproved by the Mayor within the required 10 days and is therefore deemed Approved

THIS ITEM WAS RECEIVED AND FILED

RESOLUTIONS 2010-83 & 2010-84, APPROVAL

Agenda Item #15

Please be advised that Mayor Paul A. Dyster on October 19, 2010 duly approved the following:

1. Resolution 2010-83 relative to Amending Chapter 1313 and Schedules 8, 12 and 13 of the Codified Ordinance entitled "Zoning Ordinance" which was adopted by Council on October 18, 2010.
2. Resolution 2010-84 relative to Amending Chapter 1314 and Schedule 1 of the Codified Ordinances entitled "Zoning Ordinance" which was adopted by Council on October 18, 2010

THIS ITEM WAS RECEIVED AND FILED

LOCAL LAW NO. 4 FOR THE YEAR 2010, RECEIVED/FILED BY THE NYS DEPT. OF STATE

Agenda Item #16

Please be advised that Local Law No. 4 for the year 2010, relative to prohibiting the use of groundwater as a potable water supply or for other purposes by the installation or use of water supply wells, which was adopted by Council on October 4, 2010 and duly approved by Mayor Paul A. Dyster on October 14, 2010, was received and filed by the NYS Department of State on October 21, 2010.

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: RELATIVE TO THE NIAGARA STREET AREA BUSINESS AND PROFESSIONAL ASSOCIATION'S ANNUAL DINNER, #2010-85
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, on October 27th, 2010, the Niagara Street Area Business and Professional Association held their annual dinner; and

WHEREAS, **M.J. Colucci & Sons** were honored as the Business of the Year; and

WHEREAS, **Imad Issa – Andy's Quick Stop** was honored as the Business Person of the Year; and

WHEREAS, **James Voutour, Niagara County Sheriff and Samuel Ferraro, Executive Director of the Niagara County IDA** were the recipients of the Leadership Award; and

WHEREAS, **William Ross, Chairman, NC Legislature** was the recipient of the Statesman Award; and

WHEREAS, **Niagara Street School and Cal Babcock** were the recipients of a Special Award; and

WHEREAS, **Gail Bimont, NF Community Development** was the recipient of the President's Award; and

WHEREAS, **Russell Petrozzi and the NF School Board; Robert Antonucci, Director of NF Community Development; Detective Shawn Bosi, Officer Mike Corcoran, Officer Dan Bird and Officer Nick Ligammari, NF Police Department** were the recipients of the Appreciation Award; and

WHEREAS, **The Street/Sidewalk Division, Traffic Engineering Division, Street Cleaning Division and the Parks/Forestry/Trades Division of the City of Niagara Falls** were the recipients of the Boots on the Ground Award.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the **Niagara Street Area Business and Professional Association's 2010 Business and Community Service Awards.**

Yeas	5
Nays	0
	ADOPTED

RESOLUTION; RELATIVE TO THE MAIN STREET BUSINESS AND PROFESSIONAL ASSOCIATION ANNUAL AWARDS DINNER, #2010-86
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, on November 19th, 2010, the Main Street Business and Professional Association will hold its annual dinner; and

WHEREAS, **Bishara Realty** will be honored as the Business of the Year; and

WHEREAS, **John Hutchins** will be honored as the Business Person of the Year; and

WHEREAS, **Michelle Vanstrom** will be the recipient of the George Kurtzman Award; and

WHEREAS, **Ken Sass** will be the recipient of the President's Distinguished Service Award; and

WHEREAS, **Norma Higgs** will be the recipient of the Michael A. Brundidge Community Service Award; and

WHEREAS, **Hutch Enterprises/The Rapids Theater** will be the recipient of the Rainbow Award; and

WHEREAS, **Artie Vanderpool & Scott Akdogan** will be the recipientsof the Beautification Award; and

WHEREAS, **Rick Crogan, Angelo Tecchio, and Allison Pasquantino** will be the recipients of Angel Awards.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the Main Street Business and Professional Association's 2010 Annual Awards Dinner.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: RELATIVE TO CREATING A 90-DAY MORATORIUM UPON CONSIDERATION OF APPLICATIONS FOR PAWN BROKERS/SECOND-HAND DEALERS, #2010-87
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #19

WHEREAS, the number of pawn brokers and second-hand dealers located within the City of Niagara Falls has dramatically increased over the last several years; and

WHEREAS, the Zoning Ordinance and Comprehensive Plan for the City of Niagara Falls requires that land be used in the City in the most beneficial and convenient manner, preserving relationships among the residential, commercial, industrial and recreational areas within the City, and further requires that the value of land throughout the City be protected and conserved in a manner appropriate to the various districts established by the Zoning Ordinance and further requires the pursuit of gradual conformity of the uses of land and buildings throughout the City and the minimizing of conflicts among the uses of land and buildings in the City; and

WHEREAS, it appears that pawn brokers and second-hand dealers are concentrating in certain areas of the City and without a comprehensive and detailed plan by the City to address the location and approval of pawn brokers and second-hand dealers, the above purposes and requirements will be severely jeopardized.

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

1. There is hereby imposed from the date of enactment of this Resolution a 90-day moratorium on the consideration of applications for pawn brokers and second-hand dealer licenses.
2. This moratorium is imposed to enable the City to develop a comprehensive and detailed plan which is in concert with the Comprehensive Plan and Zoning Ordinance for the City of Niagara Falls concerning the location and approval of pawn brokers and second-hand dealer locations.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: RELATIVE TO SUPPORT FOR PROPOSAL MADE BY THE STATE OF NEW YORK, #2010-88
BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, the City Council of the City of Niagara Falls, New York is very much aware of the ongoing conflict between the Seneca Nation of Indians and the State of New York and the action taken by the Seneca Nation in withholding "exclusivity payments" to the State as required by the Nation-State Gaming Compact; and

WHEREAS, the City Council of the City of Niagara Falls, New York is concerned that the City of Niagara Falls, New York will suffer if payments due pursuant to the Compact are withheld; and

WHEREAS, the City Council of the City of Niagara Falls, New York is in receipt of a copy of correspondence dated October 14, 2010 from Peter J. Kiernan, Counsel to the Governor, written to the Seneca Nation of Indians in which he proposes that the State will advance payments to the host communities and that the Seneca Nation of Indians repay that exact amount to the State within two (2) weeks of the State making payments to the host communities. NOW, THEREFORE, the City Council of the City of Niagara Falls, New York hereby supports the proposal made by the State of New York to the Seneca Nation of Indians in its correspondence dated October 14, 2010, a copy of which is attached hereto; and

BE IT FUTHER RESOLVED that the City Council of the City of Niagara Falls, New York urges the Seneca Nation of Indians and the State of New York to come to a mutually agreeable solution based on the October 14, 2010 correspondence.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci
City Clerk

November 15, 2010

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

The first session of the November 15, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Kristen Grandinetti and Charles Walker.
Absent: Council Member Steve Fournier

Also present: Mayor Paul A. Dyster, 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 Budget Work Session/City Council Meeting of October 26 & November 1, 2010.

Yeas	4
Nays	0
	APPROVED

Purchasing Agent Dean Spring and MIS Director John Cahill reported that the new sound system in the Council Chambers is about 90% complete, and includes wireless microphones, an access box for the press to hook into the system, and a recorder for the proceedings. Chairman Fruscione asked that a mute switch be included for the microphones.

Clinton Brown spoke on the progress of the Niagara City Lofts Project at the former South Junior High School. He said that a decision from the School Board on the transfer of the property for the Project was expected very soon, and he expects that the Project will be up and running within twelve months of the approval of a referendum on the ballot for the School Election in May. A lengthy discussion followed on financing and other aspects of the Project.

In the Administrative Update:

1. Mayor Paul Dyster said that City Administrator Donna Owens was in New York City attending a Conference relative to the City's Urban Fellow.
2. Director of Public Works David Kinney reported on the number of trees that had been cut by City crews and an outside contractor, the number of streets, sidewalks and alleys that had been repaired, and the leaf pickup schedule. He also asked that other debris not be included for pickup with the leaves, and, also, that cars not be parked on the streets in such a way as to prevent leaf pickup. He also noted that the air exchange system in the Chambers had been worked on, and an improvement should be seen as the weather gets warmer next summer; the cabinet for the memorabilia in the lobby was almost done, and staff from the Niagara Arts and Cultural Center would help in arranging the display. Council Member Anderson commended Mr. Kinney on the work done by his staff, asked that accommodations be made for wheelchairs in the Chambers.

This Session ended at 4:50 PM

Chairman Fruscione reconvened the Meeting at 7:03 p.m. in the Council Chambers with, Council Member Fournier absent. 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. There were no speakers for either.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK:

Agenda Item #1
Claims Report for the month of October, 2010.
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2
City Clerk's Report for the Month of October 2010.
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: WATCHMAN SERVICES, MORRIS PROTECTIVE SERVICES, INC.

Agenda Item #3

At its meeting of December 14, 2009, the Council awarded the above referenced bid to Morris Protective Services, Inc. (see attached copy of Council letter)(on file in the Clerk's Office). The contract is in effect for one year thru December 31, 2010. If mutually agreeable, the agreement may be extended one additional year thru December 31, 2011 under the same terms, conditions and specifications. Morris Protective Service, inc. has requested we exercise this extension.

Therefore, we recommend the Council approve extension of this agreement for one additional year.

Funds for this expenditure are included in the 2011 proposed budget in the Public Works Department, Administration code: A1490.0001.0449.004.

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

Yeas	4
Nays	0

APPROVED

CONTRACT: REPLACEMENT OF AIR CONDITIONING AT EARL BRYDGES LIBRARY, D.V. BROWN & ASSOCIATES, INC.

Agenda Item #4

The following was the result of bids received on October 26, 2010 for the above referenced project:

CONTRACTOR	**BASEBID**
D.V. Brown & Associates, Inc. 567 Vickers Street Tonawanda NY 14150	$220,000.00
Hoot Mechanical & Electrical	$222,200.00
MLP Plumbing	$238,800.00
O'Connor Mechanical Corp.	$244,900.00
John W. Danforth Co.	$264,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder D.V. Brown & Associates, Inc., at their total bid of $220,000.00. Funding is available in Code H0904.2004.0904.0443.000.

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

Yeas	4
Nays	0

APPROVED

CONTRACT: GILL CREEK PARK NATURE TRAIL LIGHTING, O'CONNELL ELECTRIC, INC., CHANGE ORDER #1

Agenda Item #5

A contract for the above referenced project was awarded to O'Connell Electric, Inc. on October 7, 2009 in the amount of $93,140.00.

During the course of work vandalism to the overhead electrical service mounted on the exterior of the existing comfort station and children were climbing on the service mast to get to the roof were observed. As a new service was to be installed in this contract, a request was made to the contractor to provide a price to install this new service underground for safety and aesthetic reasons. Also, a request was received to install lighting to flagpoles in the park. The total increase to the contract is $17,485.33, making the revised sum of this contract to $110,625.33. These changes have already been approved by the Greenway Commission that will fund these changes to the project scope. Funding is available in code H0962.2009.0962.0449.599.

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

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

Yeas	4
Nays	0

APPROVED

CONTRACT: LASALLE WATERFRONT PARK AMENDMENT TO CONSULTANT AGREEMENT FOR PLANNING DESIGN/ENGINEERING SERVICES FOR, WENDEL DUCHSCHERER

Agenda Item #6

The Council previously approved an agreement with Wendel Duchscherer to provide planning services for the LaSalle Waterfront Park site at 6611 Buffalo Avenue.

As part of this project, the consultants and City personnel held three community meetings to receive the input of the community as to what amenities should be included in the park. This input is included in the final design. However, due to grant funding cycles, it was necessary to divide the project into two phases which resulted in additional engineering costs.

It is requested that the Council approve an amendment to the agreement in the amount of $96,500 that will provide for the preparation of bidding documents and services during the construction of the project and represents the total amount required for engineering services.

Funding is available from Greenway Funds approved for this project.

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

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

Yeas	4
Nays	0

APPROVED

PURCHASE: LASALLE BRANCH LIBRARY, BOOKDROP

Agenda Item #7

The Library Director has requested the installation of a new bookdrop at the LaSalle Branch Library. The existing bookdrop is antiquated and leaks. The cost of a new bookdrop will not exceed $6,500.00. Funding is available from Casino Revenues.

Will the Council so approve?

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

Yeas	4
Nays	0

APPROVED

PURCHASE: TANDEM TRUCKS, DEPARTMENT OF PUBLIC WORKS

Agenda Item #8

The Director of the Department of Public Works is requesting approval to purchase two (2) tandem dump trucks. One such truck is intended to replace a truck that is quite old and of limited value in daily operations and the other truck will be an addition to the fleet of vehicles. This will enhance the department's ability to conduct in-house street paving in 2011. The total for these two (2) vehicles will be $340,500.00. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

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

Yeas	4
Nays	0
	APPROVED

THE FOLLOWING ITEMS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

TRAFFIC ADVISORY COMMISSION, DENIAL, VARIOUS ITEMS

Agenda Item #9

At the Traffic Advisory Commission meeting held on October 26, 2010, the Commission:

DENIED:

1) Request submitted by Michael Dan, 5687 Lindbergh Avenue, to **INSTALL ALL WAY STOP SIGNS** at the intersection of 60th Street & Lindbergh Avenue. The intersection was studied with the following results: 2006/0, 2007/0, 2008/0, 2009/0, and 2010/0 to present. Traffic volume per hour: 60th Street = 22 vehicles + 5 pedestrians, Lindbergh Avenue = 19 vehicles + 3 pedestrians (total = 41 vehicles per hour & 8 pedestrians). This intersection falls far short of the MUTCD Minimum Warrant for the placement of "ALL WAY" stop signs. Per Police Captain Salvatore Pino the area was checked by radar on October 19th and 20th, 2010 for speeding and no problems were found.
2) Request submitted by Kathy Monti, 1106 James Avenue to **INSTALL A 5' HANDICAPPED ACCESS SPACE** in front of 1106 James Avenue. The request was denied since the criteria for the handicapped access space was not met. The residence has a driveway to provide access, in addition to no lead in sidewalk.
3) Request was made by Bishop Stephan Booze on behalf of Roosevelt Coleman, 418 – 24th Street to **INSTALL A RESERVED HANDICAPPED PARKING SPACE** in front of 418 – 24th Street. The request was denied since there is a fire hydrant in front of the house. Per NYS Vehicle & Traffic Law parking is not permitted within fifteen feet of a fire hydrant, and in addition, the ADA does not mandate reserved on-street handicapped parking.

THIS ITEM WAS RECEIVED AND FILED

1744 CUDABACK AVENUE, INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #10

At the Traffic Advisory Commission meeting held on October 26, 2010 the Commission recommended **APPROVAL** of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 1744 CUDABACK AVENUE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Daisy Jackson, 1744 Cudaback Avenue

It is requested that City Council approve this recommendation.

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

Yeas 4
Nays 0
APPROVED

2192 SENECA AVENUE, INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #11

At the Traffic Advisory Commission meeting held on October 26, 2010 the Commission recommended **APPROVAL** of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 2192 SENECA AVENUE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: James Rose, 2192 Seneca Avenue

It is requested that City Council approve this recommendation.

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

Yeas 4
Nays 0
APPROVED

MCKOON AVENUE BETWEEN COLLEGE/VANDERBILT AVES., ELIMINATE “NO STANDING ANYTIME” RESTRICTION, ALLOW ALTERNATE OVERNIGHT PARKING

Agenda Item #12

At a Traffic Advisory Commission meeting held on October 26, 2010, the Commission recommended **APPROVAL** of the following item:

ELIMINATE THE “NO STANDING ANYTIME” RESTRICTION ON MCKOON AVENUE BETWEEN COLLEGE AVENUE & VANDERBILT AVENUE (WEST SIDE OF THE STREET) AND ALLOW ALTERNATE OVERNIGHT PARKING

A petition from the residents of this block was received with 89% signatures. In addition, since the former St. Theresa’s School, which is located in this block, has been closed, and the roadway is 30’ wide, this block can now accommodate parking on the west side.

Submitted By: Albert Zaepfel, 3907 McKoon Avenue & Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas 4
Nays 0
APPROVED

LINDBERGH AVE., & 79TH ST., INSTALL ALL WAY STOP SIGNS

Agenda Item #13
At a Traffic Advisory Commission meeting held on October 26, 2010, the Commission recommended **APPROVAL** of the following item:
INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION
OF LINDBERGH AVENUE & 79TH STREET
Submitted By: Brenda Williams, 242 – 68th Street
It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

O'LAUGHLIN DR., BETWEEN PROSPECT ST & RAINBOW BLVD.

Agenda Item #14
At a Traffic Advisory Commission meeting held on October 26, 2010 the Commission recommended **APPROVAL** of the following item:
ELIMINATE PARKING ON O'LAUGHLIN DRIVE, NORTH SIDE, BETWEEN PROSPECT STREET & RAINBOW BOULEVARD
Submitted By: Steven Fournier, City Council Member
It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

33RD ST BETWEEN PINE & WALNUT AVES., TWO SIDED OVERNIGHT PARKING FROM 4/1 THRU 11/30 EACH YEAR

Agenda Item #15
At the Traffic Advisory Commission meeting held on October 26, 2010, the Commission recommended **APPROVAL** of the following item:

ALLOW TWO SIDED OVERNIGHT PARKING ON 33RD STREET BETWEEN PINE AVENUE & WALNUT AVENUE FROM APRIL 1ST THRU NOVEMBER 30TH EACH YEAR

A Petition from the residents of this block was received with 91% signatures.
Submitted By: Petition/Residents of 33rd Street
The Commission made a special exception approving this request for a one year trial period in October 2009 due to the road being 30 feet in width with daytime parking being allowed on both sides of the street and houses located only on one side of the street (all with shared driveways). Parking will only be allowed on both sides of the street from April 1st thru November 30. No problems were reported during this year long trial period.
It is requested that City Council approve this recommendation.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

93RD ST. BETWEEN SHANTZ AVE AND DEAD END AT CREEK, INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #16

At a Traffic Advisory Commission meeting held on October 26, 2010 the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 93RD STREET BETWEEN SHANTZ AVENUE AND DEAD END AT CREEK

A Petition from the residents of this block was received with 71% signatures.

Submitted By: Paula Bianco, 1108 – 93rd Street and 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.

Yeas	4
Nays	0
	APPROVED

RESOLUTION: HUMAN RIGHTS COMMISSION, APPOINTMENT/RE-APPOINTMENT, #2010-89
BY: COUNCIL MEMBER CHARLES WALKER

Agenda Item #17

BE IT RESOLVED, that the following individuals are hereby appointed and re-appointed to the Human Rights Commission effective immediately for the expiration date of which appears opposite their names:

RE-APPOINTMENT	TERM EXPIRES:
Maureen Minicucci 2953 McKoon Avenue Niagara Falls, NY 14305	12/31/2014

APPOINTMENT	TERM EXPIRES:
Nicholas J. Ligammari 2960 Linwood Avenue Niagara Falls, NY 14305	12/31/2014

Yeas	4
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:10 p.m.

Carol A. Antonucci
City Clerk

NOVEMBER 17, 2010

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The November 17, 2010 Budget Work Session of the Niagara Falls City Council was called to order at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Sam Fruscione, Council Members Robert Anderson Jr., Steve Fournier, Kristen Grandinetti, Charles Walker - 5.

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

Corporation Counsel Craig Johnson distributed copies of an item and asked that it be added to the Agenda for Council action.

Council Member Fournier moved to add the Item to the Agenda

Yeas	5
Nays	0

Motion to add item to Agenda APPROVED

RE: Funding for the Community Awareness Committee

The City has been asked to contribute to the cost of a community meeting concerning the importance of non-violence. The meeting will take place on Friday, November 19, 2010 at the New Jerusalem Revival Center located at 2723 - 20th Street, Niagara Falls, NY at 7:00 p.m. The theme of this event will emphasize the need and importance for people to alert others if a person becomes aware of the identity of those who are committing crimes in our community, etc. The sum of $500.00 is available from Casino Interest in order to help fund this event.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

The Council adopted 74 Budget Amendment Resolutions.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 4:30 p.m.

Carol A. Antonucci
City Clerk

November 29, 2010

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

The first session of the November 29,2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of November 15, 2010.

Budget Amendments were presented to the Council and were Approved.

Presentation by Murray DeFranco, NHS Board Member on "Niagara Vision". He focused on the problems on 19th St. and the surrounding areas and then how to solve these issues. He stated that a drastic cleanup needs to be done and the support of the Community is greatly needed in order to bring this "Vision" to fruition. Handouts were given to the Council, Mayor, Administrator, Corporation Counsel.
Council Member Anderson commented that the Package was dynamite. We need to lower taxes, more Police on the streets and these are needed before we can put the package to work.

In the Administrative Update:

1. City Administrator Donna Owens talked about her attendance at the National Urban Fellowship Conference held recently in NYC. She was in the 1st Graduating Class of the Executive Leadership Program. She talked about the Programs that were presented at the Conference. She stated that she would like to appoint someone each year to participate in the Program. She had handouts for the Council. Also, this conference was at no cost to the City.
2. City Engineer Tom Radomski gave an update on the excavating on the corner of Maple & Lewiston Rd. The Water line will be installed in about 4-5 weeks. Long term Project will be from Depot going North to the City line and this will be going on all Winter long.
   Council Member Walker asked about the Plowing and Mr. Radomski said that it is the responsibility of the Contractor. Cedar Ave. Project is done for the season.
3. Mayor Dyster introduced the new Fire Chief, Roger Melchior and spoke about his distinquished career.
4. Superintendant of Police, John Chella gave thanks to Nick Ligammari on the installation of the Camera System. He then proceeded to give an update on the new cameras.
5. Mayor Dyster presented the Traffic Street Light Plan for Pine Ave. Research is being done for improvements on this. The Police have been involved in discussions on the lighting situation & Dave Kinney has reported to the Mayor on the number of accidents at 22nd-23rd Sts. & Pine Ave.
   Council Member Walker suggested to do a Traffic Study and the Mayor will check on the last time this was done.
   Council Chairman Fruscione also stated that crime is probably more due to poor lighting in that area.

6. John Cahill & Dean Spring gave an update on the Sound System. It is now working & training on this will be this week or next. We will soon to able to record the Council Meetings.
Council Member Anderson asked if the wires behind the Dias could be put along the wall.

Corporation Counsel Craig Johnson distributed copies of two items to be added to the Agenda:
1. Approval of Letter of Award for administration & inspection for the replacement of CSX Bridge over NYS Rt. 104 and Reconstruction over Main St.
Council Member Grandinetti moved to add the item to the Agenda
Yeas 5
Nays 0
MOVED TO ADD ITEM TO AGGENDA APPROVED
2. Approval of Letter of Award for replacement of CSX Bridge over NYS Rt. 104 & reconstruction of 850 Main St.
Council Member Grandinetti moved to add the item to the Agenda
Yeas 5
Nays 0
MOVED TO ADD ITEM TO AGENDA APPROVED

This session ended at 5:10 PM

Executive Session was called by Council Chairman Sam Fruscion to begin 5:10 PM and was approved by all Council Members.
The discussion was about the Attorney General Litigation and Settlement.
Session ended at 5:27 PM

Chairman Fruscione reconvened the Meeting at 7:02 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier 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 #11
Jason Chilchote	Agenda Items #6, #11 & Pine Avenue Traffic
Michael Parsnick	Presentation of plaque to Council relative to Preservation Projects
Earl Robinson	Vending Ordinance issues & commended License & Code Compliance Inspector
Jason Chilchote	Conditions in area of 24th & Niagara Sts.
Roger Spurback	Positive progress in the City
David Baxter	Conditions in area of 24th & Niagara Sts.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: RENTAL OF SNOW REMOVAL EQUIPMENT, ARMAND CERRONE, INC & NIAGARA LAWN & GARDEN EQUIPMENT, INC.

Agenda Item #1

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

TO: Armand Cerrone, Inc.
4625 Witmer Road
Niagara Falls, NY 14305
FOR: Item #'s: 1 – 56 as per the attached tally sheet (on file in the City Clerk's Office).

TO: Niagara Lawn & Garden Equipment, Inc.
4835 Saunders Settlement Road
Niagara Falls, NY 14305
FOR: Item #'s: 4 – 7, 16 – 42 and 48 – 56 as per the attached tally sheet (on file in the City Clerk's Office).

The City Purchasing Agent 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. Unlike most bids in which the low bidder for each item is awarded the bid, we are asking you to award each item to all those vendors who bid on that item. By doing so, when snow removal equipment is needed, the City will have several sources from which to obtain equipment. The order in which vendors will be contacted will be based on their bid price.

Funds for this expenditure will be made available in the Department of Parks and Public Works, Snow Removal Equipment code: A5142.0000.0442.003.

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

Yeas 5
Nays 0
APPROVED

2008-2009 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE POLICE CAPTAINS/LIEUTENANTS ASSOC. & THE CITY OF NIAGARA FALLS

Agenda Item #2

Enclosed please find the proposed Memorandum of Agreement(on file in the City Clerk's Office) between the Police Captains and Lieutenants Association and the City of Niagara Falls, relative to the Senior Communication Technician.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

2008-2009 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE UNIFORMED FIREFIGHTERS ASSOCIATION, LOCAL 714

Agenda Item #3

Enclosed please find the proposed Memorandum of Agreement (on file in the City Clerk's Office) between the Uniformed Firefighters Association, Local 714 and the City of Niagara Falls, relative to the Fire Alarm Operators.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

HEALTH ASSOCIATION OF NIAGARA COUNTY, INC., RENEWING AGREEMENT

Agenda Item #4

The City staff recommends that the City renew the Agreement with the Health Association of Niagara County, Inc. to provide recreation services for adults sixty years of age and older.

The City's expenses of this program will be in an amount not to exceed $10,000.00 during the period of April 1, 2010 through March 31, 2011. Funds are included in account A6772.0000.0449.599.

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

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

Yeas	5
Nays	0
	APPROVED

NIAGARA POWER BASEBALL CLUB

Agenda Item #5

The Niagara Power Baseball Club provides many services for the youth in the City of Niagara Falls and has done so over the years. In the past the City has assisted the Niagara Power Baseball Club in the performance of these community services by paying the lighting charges incurred by the school district as operator of Sal Maglie Field, the location where the Niagara Power Baseball Club performs many of its services. The amount to be contributed to the school districts lighting charges is $4,974.60 as shown on the attached invoice. (On file in City Clerk’s Office) Funding in available from A.1990.7650.0449.000.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

ATTORNEY GENERAL REVIEW

Agenda Item #6

As you will please recall, the Attorney General’s Office has been conducting an investigation into Police Department Practices and Procedures. This investigation has been ongoing for the last 2+ years. In an effort to conclude and resolve this investigation and improve Police Department Practices and Procedures to benefit the community, it is proposed that the City enter into an agreement with the Attorney General’s Office which agreement will be in form and substance satisfactory to the Corporation Counsel.

Will the Council authorize the City to enter into such an Agreement and authorize the Mayor to sign the same?

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

Yeas	5
Nays	0
	APPROVED

CLAIM: NATIONAL FUEL

Agenda Item #7

Date Claim Filed:	December 10, 2009
Date Action Commenced:	July 19, 2010
Date of Occurrence:	October 27, 2009
Location:	At or near 443 First Street, Niagara Falls, NY
Nature of Claim:	Subsurface gas lines and equipment damage.
Status of Action:	In litigation.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$2,634.48
Make Check Payable to:	National Fuel Gas Distribution Corporation
Conditions:	General Release to City and Stipulation of Discontinuance 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: Petersen Jr., James D.

Agenda Item #8

Date Claim Filed:	September 22, 2010
Date Action Commenced:	N/A
Date of Occurrence:	August 23, 2010
Location:	Griffon Avenue, Niagara Falls, New York
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	David Wylucki
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$486.76
Make Check Payable to:	James D. Petersen, Jr.
Conditions:	General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CLAIM: Guerin, Linda

Agenda Item #9

Date Claim Filed:	April 5, 2010
Date Action Commenced:	N/A
Date of Occurrence:	March 27, 2010
Location:	Hyde Park Blvd and D St, Niagara Falls, NY
Nature of Claim:	Damage to 1999 Mercury Sable by police.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$388.26
Make Check Payable to:	Linda Guerin
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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK:

RESOLUTION 2010-79

Agenda Item # 10

Please be advised that Mayor Paul A. Dyster on November 16, 2010 duly approved the following:

Resolution 2010-79, relative to Technical Amendments to the "Zoning Ordinance".

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY ASSESSOR

HOMESTEAD & NON-HOMESTEAD PROPORTIONS

Agenda Item #11

In Accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and Section 1903-4c of the Real Property Tax Law, I have calculated the locally adjusted proportions for the City of Niagara Falls 2011 tax levy:

City of Niagara Falls

Homestead	54.40747
Non-Homestead	45.5925

This calculation represents a 10% shift to the homestead class.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

RESOLUTION: WATERBOARD RE-APPOINTMENT, No. 2010-91
BY: ALL COUNCIL MEMBERS

Agenda Item #12
BE IT RESOLVED, that the following individual is hereby re-appointed to the City of Niagara Falls Water Board effective January 1st, 2011 for the expiration date, which appears opposite his name with over ten years of professional experience in management; and BE IT FURTHER RESOLVED, that the City Clerk is directed to forward a certified copy of this resolution to the Niagara Falls Water Board and to the Niagara Falls Law Department.

APPOINTMENT	EXPIRATION DATE
Thomas R. Vitello, Sr. 2644 Fairway Drive Niagara Falls, NY 14305 (716) 297-4756	12/31/2013

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TRAFFIC ADVISORY COMMISSION RE-APPOINTMENT, No. 2010-92
BY: COUNCIL CHAIRMAN SAM FRUSCIONE

Agenda Item #13
Traffic Advisory Board for the expiration date of which appears opposite his name:

RE-APPOINTMENT	TERM EXPIRES:
Mr. Stanley Horab 9133 Griffon Avenue Niagara Falls, NY 14304	12/31/2015

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NIAGARA FALLS CABLE COMMISSION RE-APPOINTMENT, No. 2010-93
BY: COUNCIL CHAIRMAN SAM FRUSCIONE

Agenda Item #14
BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Cable Commission effective December 31, 2010, for the expiration date, which appears opposite his/her name:

REAPPOINTMENT	**TERM EXPIRES:**
Richard Meranto 4622 Terrace Drive Niagara Falls, New York 14305	12/31/2013

Yeas 5
Nays 0
ADOPTED

BY: ALL COUNCIL MEMBERS

Agenda Item # 15

WHEREAS, THE City of Niagara Falls, New York hereby establishes the following as standard work days for appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body; and

Title	Name	Standard Work day	Terms begins/ends	Particiates in Employer's time keeping system	Days/Month
Appointed Official					
Civil Service Commissioner	Lewis D. Rotella	6	10/6/09-5/31/14	N	6.67

WHEREAS, the clerk of this governing body of the Sate of New York does hereby certify that he/she has compared the foregoing with the original resolution passed by this governing body as part of the minutes of such meeting and that same is a true copy thereof and the whole of such original; and

WHEREAS, the clerk certifies that such members were present at such meeting and the council members voted in favor of the above resolution.

THEREFORE BE IT RESOLVED, that the above is adopted by the Niagara Falls City Council and that the information be submitted to the New York State Comptroller and the clerk of the governing body to be maintained for at least 10 years.

Yeas 5
Nays 0
ADOPTED

LETTER OF AWARD FOR CONSTRUCTION, ADMIN AND INSP. FOR THE REPLACEMENT OF THE CSX BRIDGE OVER NYS RT. 104 & RECONSTRUCTION OVER MAIN ST, FEDERAL FUNDING

Agenda item #16

The City has secured Federal Funding for the above referenced project. The design consultant Wendel prepared and submitted all documents for New York State Department of Transportation approvals and ultimately recommending award of construction for same. All design and administrative support was previously awarded and paid from the Lewiston Road Route 104 (PIN 5045.24) as submitted and approved by NYSDOT and the City Council.

Upon further review it was necessary to remove the CSX Bridge scope of work from the original submission (PIN 5045.24) to facilitate funding and ease of City sponsorship of the projects.

Therefore, in keeping with NYSDOT direction and to separate construction fees fully, a new agreement for Construction Inspection and Administration is necessary. It is the recommendation of the undersigned that this contract be awarded to Wendel, 140 John James Audubon Parkway, Amherst, NY 14228, in an amount not to exceed $677,020.00. This project is eligible for 80% reimbursement of all costs incurred from Federal 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 Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: LETTER OF AWARD FOR REPLACEMENT OF THE CSX BRIDGE OVER NYS RT.104 & RECONSTRUCTION OF 850 OF MAIN ST., MARK CERRONE, INC.

Agenda Item #17
The following was the result of bids received on September 23, 2010:

CONTRACTOR	TOTAL BID
Mark Cerrone, Inc. 2368 Maryland Avenue Niagara Falls, NY 14305	$4,215,484.76
Concrete Applied Technologies Corp.	$4,691,689.30
Oakgrove Construction	$5,104,257.00

The City has secured Federal Funding for the above referenced project. The design consultant Wendel Duchscherer prepared and submitted all documents for New York State Department of Transportation approvals and ultimately recommending award of construction. This project is eligible for NYSDOT reimbursement.

It is the recommendation of the undersigned that this contract be awarded to the low bidder Mark Cerrone, Inc., in an amount not to exceed $4,215,484.76. This project is eligible for 80% reimbursement of all costs incurred from Federal 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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: ADOPTING THE 2011 PROPOSED EXECUTIVE BUDGET WITH AMENDMENTS AND DIRECTING TRANSMISSION OF THE SAME TO THE MAYOR

RESOLUTION 2010-90

BY: Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.
Council Member Steve Fournier
Council Member Kathleen Grandinetti
Council Member Charles Walker

WHEREAS, on October 1, 2010, the Mayor duly presented this Council with the Proposed Executive Budget for 2011, including a capital plan; and

WHEREAS, the required public hearing on said proposed executive budget was held on November 1, 2010, at which the Council and the City Controller were present, notice of which was published on October 21, 2010; and

WHEREAS, this Council thereafter met and considered the said Proposed Executive Budget and after due deliberation amended the same; and

WHEREAS, Section 5.6 (d) of the Niagara Falls City Charter requires the Council to transmit the Executive Budget to the Mayor with any amendments on or before December 1, 2010;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls, New York, that the Proposed Executive Budget for 2010 is hereby adopted as amended, which amendments, identified as budget resolutions numbers 1 through 78 inclusive, numbers 23, 72, and 75 requiring no action by the Mayor, are attached hereto and made a part hereof; and be it further

RESOLVED, that the Clerk of this Council is directed to immediately transmit a copy of this resolution, together with the aforesaid amendments, to the office of the Mayor on or before the end of December 1, 2010; and be it further

RESOLVED, that in the event that the Mayor shall approve all of the aforesaid amendments to the executive budget, the executive budget as amended and heretofore adopted shall become operative without further action by this

Council, and the Mayor is thereupon directed to spread the sum amounting to Twenty eight million, one hundred sixteen thousand, five hundred eighteen and no/100 ($28,116,518.00) Dollars upon all taxable property within the City at such rates as will be sufficient to raise said sum, which sum shall be certified to him by the City Clerk, together with such amounts of unpaid local assessments, water, sewer, sidewalk charges and other charges provided by law, as may be certified by the Controller and the Director of Public Works and the Niagara Falls Water Board upon the assessment rolls of the City of Niagara Falls as prescribed by law; and be it further

RESOLVED, that upon reconsideration and action by this Council on any of the aforesaid amendments which the Mayor may have vetoed, the executive budget as amended and heretofore adopted shall become operative without further action by this Council, but in the event any veto is not overridden, the amounts thereof shall be adjusted by the Controller, by adding or subtracting, as the case may be, from the foregoing sum directed to be levied, without further action by this Council, which sum as adjusted shall be certified by the City Clerk to the Mayor, and the Mayor is thereupon directed to spread said sum as adjusted upon the taxable property within the City at such rates as will be sufficient to raise the sum required.

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

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:50 p.m.

Carol A. Antonucci
City Clerk

December 13, 2010

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 the City Charter, to be held on Monday, December 13, 2010 at 4:00 PM in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. To reconsider and act upon all amendments to the proposed budget vetoed by the Mayor.

Respectfully submitted,

Samuel Fruscione
Council Chairman

The December 13, 2010 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Sam Fruscione at 3:55 PM. in the Council Chambers.

Present: Council Chairman Sam Fruscione, Council Members Robert Anderson, Jr., Steve Fournier, Kristen Grandinetti, Charles Walker – 5.

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

The Council Members overrode all 5 of Mayor Dyster's Budget Amendment Vetoes.

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 3:58 PM.

Carol A. Antonucci
City Clerk

December 13, 2010

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

The first session of the December 13,2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 3:58 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of November 29, 2010

Yeas	5
Nays	0

APPROVED

Anne Marie Tucker, Vice President of the Niagara Falls Memorial Medical Center Foundation, requested financial support from the City for the hospital's Transformation Strategic Plan, and noted that the City's support would leverage funding from additional sources.

In the Administrative Update:

1. Corporation Counsel Craig Johnson gave an update on the progress of the Culinary Arts Institute Project, including an attachment to Agenda Item #11 relative to the Project.
2. City Administrator Donna Owens noted that there is no Taxi Cab Commission in the City, and after a discussion, the Council requested that an Ad Hoc Committee be formed, with Council Member Grandinetti representing the Council on the Committee. The Committee was formed during the previous Administration, but is not active at this time. All complaints received will be forwarded to the City Administrator for now. Superintendent of Police John Chella added that taxi cabs are inspected annually in June, when the licenses are renewed.
3. Director of Public Works David Kinney reported that as of December 5, his crews are working 24/7 in five shifts. He also added that his crews are very appreciative of the new equipment they have, and he also spoke about the equipment that is used for alley plowing.
4. Mayor Paul Dyster spoke on the traffic street light plan for Pine Avenue, and said that he was waiting to get reports back from National Grid and the New York Power Authority. Council Member Anderson asked if the lights on Buffalo Avenue near the school had been looked at, and the Mayor responded that that had not yet been done.
5. City Engineer Thomas Radomski said that the contractor has the materials for the 20th Street and Pine Avenue Municipal Lot Light Project, and would start the work weather permitting.

Mr. Johnson explained amendments to two Agenda Items:

1. A change in the funding amount for Agenda Item #8, relative to Project ZOOM.

Council Member Anderson moved to amend the Item.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

2. An attachment to Agenda Item #11, relative to the Culinary Institute.

Council Member Anderson moved to amend the Item.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

Chairman Fruscione noted to Mayor Dyster that there were parking problems on Third Street in that the FBI was using the street for parking rather that the lot that they had been given access to, and patrons for the businesses on Third Street were not able to find parking on the street. The Mayor said that he would look into the issue.

Council Member Fournier asked the Mayor of the status of using property behind 2nd and 3rd Street for parking, and the Mayor responded that USA Niagara was looking into use of the Bank of America lot after business hours.

Chairman Fruscione asked City Controller Maria Brown to explain the funding for Agenda Item #6, and she responded that the funding was taken from the General Fund during the Budget deliberations, and now Casino Funds would be used.

This Session ended at 4:30 PM

Chairman Fruscione reconvened the Meeting at 7:00 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 Items #9, #12
Paul Gromosiak	Parkway Issues

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #1
Claims Report for the month of November 2010.
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: ROOF REPLACEMENT PROJECT AT 10TH ST./ROYAL AVE. FIREHALL/JOHN DUKE CENTER, CHANGE ORDER #1, JOSEPH A. SANDERS & SONS

Agenda Item #2

A contract for the above referenced project was awarded to Joseph A. Sanders & Sons, Inc. on July 26, 2010 in the amount of $292,552.00.

During the course of construction, existing and unforeseen conditions were discovered and required remedial actions prior to roofing installation. The bulk of the added expense was the replacement of all framing, sheathing and vinyl siding at the Royal Avenue Firehall. Various masonry and substrate work was necessary in order to achieve a 20-year warranty at all three locations.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of $46,168.00 for the revised contract sum of $338,720.00. Funds are available in the original account H027.2008.0827.0449.599.

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

Yeas	5
Nays	0

APPROVED

CONTRACT: HYDE PARK GOLF COURSE FENCE INPROVEMENTS, CHANGE ORDER #1, NEW YORK STATE FENCE, INC.

Agenda Item #3

A contract for the above referenced project was awarded to New York State Fence, Inc. on September 7, 2010 in the amount of $25,980.00.

During the course of work the Director of Public Works requested: additional bottom fence rails in order to support the extension of new fence mesh and added full replacement of protective fencing surrounding the 16th tee. The total increase to the contract is $4,330.00, bringing the total revised contract sum to $30,310.00.

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: DEMOLITION CONTRACT CNF 2010-1, UTILITY ABANDONMENT, ASBETOS ABATEMENT AND DEMOLITION, APOLLO DISMANTLING SERVICES, LLC

Agenda Item #4

The following bids were received by the Department of Community Development on December 2, 2010 for the demolition of twenty-four (24) structures identified on the attached list (on file in City Clerk's Office).

CONTRACTOR	**BID AMOUNT**
Apollo Dismantling Services, LLC	$445,308
Empire Dismantlement	$517,000
Mark Cerrone, Inc.	$562,662
Metro Contracting & Environmental, Inc.	$593,353
Scott Lawn Yard	$872,000

It is our recommendation that a contract be awarded to the low bidder, Apollo Dismantling Services, LLC, 4451 Hyde Park Blvd., Niagara Falls, NY 14305, at their base bid amount of $445,308. Funding is available in budget code H0910.2009.0910.0449.599

Will the Council vote to award contract CNF 2010-1 to Apollo Dismantling Services, LLC. and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

DPW, TEMPORARY HELP

Agenda Item #5

The Director of the Department of Public Works is requesting funds to hire four temporary MEO-2s to work from January 1, 2011 through March 31, 2011 (64 working days). The total cost, including benefits, will not exceed $30,500.00. Funding is available from Special Projects fund balance.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

DPW, STREET OPENINGS

Agenda Item #6

The Director of the Department of Public Work is requesting the sum of $100,000 to be utilized for street openings. Funding is available from Casino Revenues.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

NATIONAL INFRASTRUCTURE INVESTMENTS DISCRETIONARY GRANT PROGRAM (TIGER II)

Agenda Item #7

As the Council is aware, the City has received an appropriation of $16,500,000 under the above referenced program for the relocation of the Amtrak Passenger Terminal and establishment of specialized border inspection facilities for the Niagara Falls International Rail Station/Intermodul Transportation Center.

This funding does not require any additional City match.

Will the Council approve the acceptance of this grant and authorize the Mayor to execute any agreements or other documentation necessary to effectuate same and in a form acceptable to the Corporation Counsel?

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

Yeas 5

Nays 0

APPROVED

PROJECT ZOOM, PROPOSED BUDGET

Agenda Item #8

In order to continue the Zoom Project, funding is requested for year 2011. As per the attached spreadsheet(On file in City Clerk’s office) detailing expenses, funding is requested in the amount of $83,704 (Associate Director salary and benefits). Funding is available from Casino Revenues.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

HARD ROCK CAFÉ, OUTDOOR CONCERTS, 2011 FUNDING FROM CASINO FUNDS

Agenda Item #9

The City has been asked once again by Hard Rock Café to partner with the Hard Rock in presenting outdoor concerts during 2011 featuring live music. The dates have not yet been determined. As in the past, it is anticipated that Co-Promotion Agreements for each concert will be developed in form and in substance satisfactory to the Corporation Counsel. The City has been asked to contribute $180,000 for these concerts. The amount for each concert may vary, depending upon the entertainment featured and will be described in each Co-Promotion Agreement but in no event will the City’s contribution for all concerts exceed $180,000. Funding will be from Casino Funds.

Will the Council authorize the expenditure of $180,000 for these Hard Rock Concert events and authorize the Mayor to execute Co-Promotion Agreements for each event in form and substance satisfactory to the Corporation Counsel?

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

Yeas 4

Fournier, Grandinetti, Walker, Fruscione

Nays 1

Anderson

APPROVED

NIAGARA TOURISM & CONVENTION CORP, AUDIT BY NYS COMPTROLLERS OFFICE CITY'S CORRECTIVE ACTION PLAN

Agenda Item #10

On September 24, 2010 the City received the New York State Comptroller's report in connection with the above referenced matter. The City is required to submit a Corrective Action Plan to the State Comptroller. A draft has been developed and is in the process of being finalized.

Will the Council approve the Corrective Action Plan and authorize the Mayor to execute this Corrective Action Plan provided the same is in form and substance acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

HOSPITALITY & TOURISM INSTITUTE, CONSTRUCTION/DEVELOPMENT (CULINARY INSITITUTE)

Agenda Item #11

In an effort to continue with the development of the above described project, representatives of the Niagara County Community College Foundation have requested that the City proceed to subdivide that portion of the Rainbow Mall premises proposed to be occupied by the Culinary Institute into its own address on Rainbow Boulevard and also acquire its own tax i.d. number. It is also requested that the City Council authorize the conveyance of this parcel of real property to Niagara County to be held in trust for Niagara County Community College. The City of Niagara Falls Planning Board is considering both of these actions at its meeting on December 8, 2010.

In the event the Planning Board votes to recommend the subdivision and conveyance as described, will the Council approve the requested subdivision and conveyance?

The following is the amendment to item #11 that was approved at the committee of the whole meeting.

During the City Council meeting on October 18, 2010, the City Council was advised that one of the documents to be executed in the development of the Culinary Institute project is a Transfer Agreement between the City and the Niagara County Community College Foundation, Inc. (the "Foundation"). That Agreement specifies the various transfers to be made by Rainbow Square Two Limited Partnership (Cordish) to the Foundation and the transfers to be made by the Foundation to the City as well as the transfer to be made by the City. The City Council authorized the execution of that Agreement and it has now been executed. It is, therefore, time to move forward and close on the terms and conditions of that Agreement.

Therefore, it is requested that the City Council confirm the acceptance from the Foundation of the following items:

1. A quit claim deed for 310 Rainbow Boulevard, Niagara Falls, New York (the balloon launch property);
2. Bill of Sale transferring the Foundation interest in the Rainbow Mall parcel;
3. A termination of Ground Lease;
4. A termination of four party agreement.

all as described in the Transfer Agreement.

Pursuant to the Transfer Agreement, it is now requested that the City to proceed to subdivide that portion of the Rainbow Mall premises proposed to be occupied by the Culinary Institute into its own address on Rainbow Boulevard and also acquire its own tax i.d. number. It is also requested that the City Council find that the best interest of the City shall be subserved by dispensing with sale at public auction and authorize the conveyance of this subdivided parcel of real property to Niagara County to be held in trust for Niagara County Community College. The City of Niagara Falls Planning Board considered both of these actions at its meeting on December 8, 2010 and voted to approve SEQR negative declarations for both actions and also voted to approve both actions. Attached are communications from the Planning Board.

Will the Council confirm the acceptance of the transfers from the Foundation as described, approve the subdivision of the Rainbow Mall premises as described, find that the best interest of the City will be subserved by dispensing with sale at public auction, authorize the conveyance of the subdivided property to Niagara County to hold in trust for Niagara County Community College and authorize the Mayor to execute appropriate documents/deeds in form satisfactory to the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

GRANT WRITING SERVICES, PROPOSAL

Agenda Item #12

Due to the upcoming retirement of the person the City utilizes for grant writing purposes, it is necessary to retain the services of an individual to perform those services on a part-time basis. Those services for the City can be done on a part-time basis at a fee which is not anticipated to exceed $30,000. Funding is available from Economic Development Casino Revenues.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

NIAGARA FALLS MEMORIAL MEDICAL CENTER TRANSFORMATION STRATEGIC PLAN

Agenda Item #13

NFMMC has requested that the City contribute the sum of $250,000 towards NFMMC's transformation strategic plan. Attached hereto is a copy of a summary of the plan which was provided by NFMMC (On file in City Clerk's office). Funding is available from Casino Revenues.

Will the Council so approve?

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

Yeas 3
Fournier, Grandinetti, Fruscione
Nays 1
Anderson
Abstained
Walker 1
APPROVED

CLAIM: CROWELL, TIMOTHY

Agenda Item #14

Date Claim Filed:	January 14, 2009
Date Action Commenced:	March 19, 2009
Date of Occurrence:	November 23, 2008
Location:	N/A
Nature of Claim:	Defamation
Status of Action:	Pretrial stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$8,000.00
Make Check Payable to:	Timothy Crowell and Myers, Quinn & Schwartz, LLP, as attorneys
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

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

Yeas 5
Nays 0
APPROVED

CLAIM: KENDZIA, ROBERT

Agenda Item #15

Date Claim Filed:	November 13, 2009
Date Action Commenced:	N/A
Date of Occurrence:	August 29, 2009
Location:	8111 West Rivershore Drive, Niagara Falls, New York
Nature of Claim:	Damage to fence hit by City vehicle.
City Driver:	Eugene Minicucci
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$486.00
Make Check Payable to:	Robert Kendzia
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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #16

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2011 to December 31, 2012.

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

Thomas Ewing	Niagara Falls Police Department
Shaw Larrabee	Niagara Falls Police Department
Humphrey, John	Niagara Falls Police Department
Denise Garlitz	2247 Grand Ave, Niagara Falls, NY 14304
Robin Letty	487 26th St., Niagara Falls, NY 14303
Paige Treat	6870 Sy Road, Niagara Falls, NY 14304
Christina Cerrone	7114 Bear Ridge Rd., NT, NY 14120
Bevilacqua, Gary	4290 Riverwalk Dr.S,Youngstown,NY 14174

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: HISTORIC PRESERVATION COMMISSION, REAPPOINTMENT, No. 2010-95
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #17

RELATIVE TO REAPPOINTMENT TO THE NIAGARA FALLS HISTORIC PRESERVATION COMMISSION

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Historic Preservation Commission effective December 31, 2010 for the expiration date, which appears opposite her name:

REAPPOINTMENT	**TERM EXPIRES:**
Anne Smith 1021 – 96th Street Niagara Falls, NY 14304	12/31/2014

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ZONING ORDINANCE, AMENDING CHAPTER 1313 AND SCHEDULE 8, 2010-96
BY: COUNCIL CHAIRMAN SAMUEL FRUSICONE

Agenda Item #18

WHEREAS, at its July 13, 2009 meeting, the City Council adopted a new Zoning Ordinance; and

WHEREAS, the Planning Board has recommended that the City Council adopt certain amendments to the Zoning Ordinance as outlined on the attached (on file in City Clerks Office) resolution and recommendation to the City Council from Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt the attached amendments to Section 1313.3, Section 1313.4 and Schedule 8 as set forth on the attached Planning Board recommendation.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ZONING ORDIANACE, RELATIVE TO TECHNICAL AMENDMENTS, No. 2010-97
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #19

WHEREAS, at its July 13, 2009 meeting the City Council adopted a new Zoning Ordinance; and

WHEREAS, the Planning Board has recommended that the Council adopt certain technical amendments to the Zoning Ordinance as outlined on the attached memo(on file in the City Clerk's Office) from Thomas J. DeSantis dated August 4, 2010.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt the attached changes to the Zoning Ordinance Table of Contents, Chapter 1301, Chapter 1302, Chapter 1317, Chapter 1322 and Chapter 1325.

Yeas 5
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:15 p.m.

Carol A. Antonucci
City Clerk

December 27, 2010

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

The first session of the December 27, 2010 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:03 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Donna D. 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 Special Meeting/Council Meeting of December 13, 2010.

Yeas	5
Nays	0
	APPROVED

There were no Presentations.

City Administrator Donna Owens announced the Administrative Updates:

Tom Meidenbauer, from VBC Lighting in Buffalo, gave a presentation on the Street Lighting for Pine Ave. He brought a sample of the fixture that would be replacing the old fixtures. The new ones are higher efficiency lamps and will be using 150 watts. These fixtures are being used around the country in various cities. Council Member Anderson asked if these were put up all at once in the other cities and asked what would be recommended. Mr. Meidenbauer stated that doing the whole system at once would be better but the cost is greater. Council Member Anderson stated that safety is our Major Concern. City Engineer Thomas Radomski, said no time frame for installation has been determined, but he could have an answer in a couple of weeks.

Mayor Paul Dyster said Chris Stoianoff, City Historian, was to speak but there was a death in the family. This will be rescheduled.

Mayor Dyster spoke on the 3rd Street Parking Plan. Chris Schoepflin, of USA Niagara, will appear at the next meeting and that there will be 150 additional Parking Spaces in that area.

Mayor Dyster spoke about the installation of flashing yellow lights at the schools. The cost would be about $10,000 and suggested putting the item on the next Agenda.

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

1. Approval to fund Security for Rainbow Mall.

Council Member Anderson moved to add the item to the Agenda

Yeas	5
Nays	0
	MOTION TO ADD ITEM TO AGENDA APPROVED

The Item was added to the Agenda as Item #24

This session ended at 4:23 PM

Chairman Fruscione reconvened the Meeting at 7:01 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:

Norma Higgs	Agenda Item #11
Rodger Spurback	Agenda Item #11
Paul Gromosiack	Historic Events in NF, We need to approach Greenway Commission about the Stone Chimney
Rodger Spurback	Thanked Council for getting things done, talked about Taxi Cab Commission
Diane Tattersal	Approved funding for Zoom, need new rules about clean up after dogs, pro-action plan for legends Basketball court

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK:

Agenda Item #1
City Clerk's Report for the Month of November 2010
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: EARL BRYDGES LIBRARY, CONSULTANT SERVICES, TRM ARCHITECT

Agenda Item #2

Based on the New York State Department of Transportation mandated merit selection process, please be advised that TRM Architect has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to TRM Architect at its Proposal Price of $95,130.00. Funding is available in code H0904.2004.0904.0453.000.

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: ASBESTOS SERVICES AGREEMENT 2011-2012, STOHL ENVIRONMENTAL, LLC

Agenda Item #3

The Department of Community Development issued a Request for Proposals (RFP) on December 1, 2010 for Asbestos Services including bulk sample analysis, air monitoring and project monitoring relative to proposed City demolition projects. The following proposals were received by the Department and were rated based on accuracy and compliance with the required elements of the RFP, including the ability to deliver services in a timely manner, prior experience in asbestos project management and the related fee schedule.

Contractor	**Fee Not to Exceed**
Stohl Environmental, LLC	$289,700
UNYSE Environmental Consultants	$293.600
AFI Environmental	$383,432

It is the recommendation of the undersigned that a contract be awarded to Stohl Environmental, LLC, at a fee not to exceed $289,700, for a 24 month period beginning January 1, 2011 and ending December 31, 2012. It is anticipated that demolitions during that period will be funded 50% with Community Development Block Grant funds and 50% with 99-H Casino Revenue. Therefore, funding for asbestos services should come from the following budget codes:

Community Development Budget Code: CD1.8666.0000.0450.500 ($144,850)

99-H Casino Revenue Budget Code: H0910.2009.0910.0449.599 ($144,850)

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

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

Yeas 5

Nays 0

APPROVED

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

Agenda Item #4

The 2011 N.F.C. Development Corp. operating budget requires an additional $5,000.00 to meet anticipated expenses. As you recall, NFC is being funded entirely with casino revenues, to free economic development efforts from CDBG regulations. Funds are available from the local share of casino revenues received by the City. State Finance Law §99-h funds may be used to accommodate and enhance economic development.

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

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

Yeas 5

Nays 0

APPROVED

CONTRACT; CITY HALL EXTERIOR RESTORATION PHASE II, EGINEERING SERVICES, HHL ARCHITECTS, LLC.

Agenda Item #5

It is the recommendation of the undersigned that the design phase and construction administration of Phase II of this project be awarded to HHL Architects, LLC in an amount not to exceed $24,000.00. Funding is available through the special project fund balance.

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

Yeas 5

Nays 0

APPROVED

CONTRACT: LEWISTON RD, RECONSTRUCTION OF, CHANGE ORDER #5, MAN O'TREES, INC.

Agenda Item #6

A contract for the above referenced project was awarded to Man O'Trees, Inc. on June 29, 2009 in the amount of $ 7,713,000.00.

In conjunction with the additional watermain replacement added to this project via previous orders on contract, please find the undersigned's request to increase the amount of existing watermain abandonments required to the amount of $22,022.00. This additional work will be up to 95% reimbursable through existing State agreements. Please note that current underuns and items not presently in use will allow the additional tasks to be performed with no change ($0.00) to the existing 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: LASALLE LIBRARY, RESTORATION OF WINDOWS, ALLSTATE GENERAL CONTRACTING INC.

Agenda Item #7

The following are the result of bids based on the lowest "Base Bid" received on December 20, 2010, for the above referenced project:

CONTRACTOR	BASE BID	ALT #1	ALT #2	ALT #3	ALT #4	TOTAL BID
Allstate Gen Con. 31 Ransier Drive West Seneca, N.Y. 14224	$103,000	$14,400	$7,260	$20,940	$6,480	$152,080.00
JA Gulick Window C	$189,800	$34,700	$13,700	$26,600	$17,400	$282,200.00
Infinity Glass/Res	$154,900	$12,100	$5,700	$16,000	$8,500	$197,200.00

It is the recommendation of the undersigned that this project be awarded to the "Base Bid" low bidder Allstate General Contracting Inc., at their Total Bid of $152,080.00. Funding is available in Code H0904.2004.0904.0443.000.

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

Yeas 5
Nays 0

APPROVED

PURCHASING DEPARTMENT, APPOINTMENT OF RECORDS MANAGEMENT OFFICER

Agenda Item #8

The New York State Arts & Cultural Law requires that all local governments have a records management program. Furthermore, the Mayor must designate a local officer to be the records management officer, subject to approval by the City Council.

Due to the recent retirement of the City's designated records management officer (Sherry Shepherd-Corulli) a vacancy now exists. I therefore recommend Beth Finnegan, the Records/Asset Aide in the Purchasing Division, be appointed the City's records management officer.

Will the Council so confirm?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: UNIFIED COURT SYSTEM, COURT CLEANING/REPAIR, 2010-2011

Agenda Item #9

The current Court Cleaning and Minor Repairs Contract between the Unified Court System and the City of Niagara Falls is effective for a 5-year term running from April 1, 2008 through March 31, 2013 and is divided into annual 1-year periods.

Under Section 1 of the Contract, we are entering into a Renewal Contract for a 1-year period commencing on April 1, 2010 and terminating on March 31, 2011.

The maximum compensation for this Renewal Contract period shall be $296,485.00.

Will the Council so approve and authorize the Mayor to execute any required documentation to effectuate same?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: GRANT WRITING SERVICES

Agenda Item #10

At your December 13th meeting, you appropriated $30,000 to provide for grant writing on a part-time basis It has now been determined that it is beneficial to the City to have the services performed pursuant to contract.

Will the Council authorize the City to enter into a non-exclusive consultant agreement with Sherry L. Shepherd-Corulli to provide grant writing and grant administration services to the City, on a mutually agreed hourly rate which, in total, will not exceed $30,000 in 2011, and authorize the Mayor to enter into and execute an agreement in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

ZOOM PROJECT, ASSOCIATE DEPUTY DIRECTOR, ADDITIONAL FUNDING

Agenda Item #11

At the City Council meeting held on December 13, 2010 the City Council approved funding from Casino Revenues in the amount of $83,704.00 to fund the position of Associate Deputy Director of the ZOOM project. Attached (On file in City Clerk's office) hereto is a copy of the ZOOM project proposed budget which shows a total proposed project budget in the amount of $263,757.00 for 2011, inclusive of the $83,704.00 amount (for salary and benefits for the Associate Deputy Director) previously approved. This means there is now a request for funding of an additional $180,053.00 from Casino Revenues for the 2011 ZOOM project budget for a total project budget of $263,757.00.

Will the Council approve this additional funding amount of $180,053.00?

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

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: GABRIELE, MARGARET

Agenda Item #12

Date Claim Filed:	August 16, 2010
Date Action Commenced:	N/A
Date of Occurrence:	August 9, 2010
Location:	Intersection of New Road and Porter Road.
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Richard Buckman
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$604.80
Make Check Payable to:	Margaret Gabriele
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 Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

RESOLUTION: RESOLUTIONS 2010-96 & 2010-97

Agenda Item #13

Please be advised that Mayor Paul A. Dyster on December 14, 2010 duly approved the following:

1. Resolution 2010-96, relative to Amending Chapter 1313 and Schedule 8 of the "Zoning Ordinance"
2. Resolution 2010-97, relative to Technical Amendments to "Zoning Ordinance"

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE EMPIRE ZONE BOARD CHAIR

EMPIRE ZONE ADMINISTRATIVE BOARD APPOINTMENTS, 2011

Agenda Item #14

Pursuant to the Empire Zone Local Law approved by Council 2001, the City Council appoints eight members of the Empire Zone Board. Each appointment is for a one year period. The appointments are to be made from a list submitted to the City Council by the Empire Zone Board Chairperson.

The Empire Zone is closed to new applicants. Existing certified businesses must continue to submit Business Annual Reports and local Zone Administrative Boards are still responsible for receiving and processing them.

All of the current board members wish to remain for an additional year. Accordingly, the following individuals are proposed for reappointment to the Niagara Falls Empire Zone Administrative Board for 2011:

Community Representative Mrs. W. Lee Whitaker, Niagara Falls Housing Authority;

Labor Relations Representative Mr. Thomas Pryce, Iron Workers Local #9;

Human Resource & Educational Representative Mr. Paul Parise, Niagara County Employment & Training Dept.;

Industrial Representative Mr. Art Ray Sr., A. B. Ray Associates;

Industrial Representative Mr. Abdul Labi, PEMCO;

Banking Representative Mrs. Lucy Muto, HSBC Bank;

Zone Resident Representative Mr. Eddie Palmore; and

Economic Development Representative Mr. Thomas Bruss, Niagara Falls Small Business Development Center

Resumes for each individual are available on request.

Will the Council vote to appoint the eight individuals to the Empire Zone Board through December 31, 2011, or until appointment of replacements?

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: POLLING PLACE FOR THE SPECIAL REFERENDUM VOTE, 2010-98
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, a Special School Vote for a Special Referendum Vote (Capital Projects) will be held on Tuesday, February 15th, 2011.

Attached (on file in the City Clerk) is a communication from the School District of the City of Niagara Falls, New York requesting approval for the use of polling places in the City of Niagara Falls, New York. The Niagara Falls City Council approves of this request.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: COUNCIL MEETING SCHEDULE, 2011, 2010-99
BY: ALL COUNCIL MEMBERS

Agenda Item #16

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York,that it hereby adopts the following 2011 City Council Meeting dates as the official

2011 CITY COUNCIL AGENDA AND MEETING SCHEDULE.

4PM ---- Work Session --7pm --- Council Meeting

January 10th (reorganization meeting)	**July 11th**
January 24th	**July 25th**
February 7th	
February 22nd - Tuesday	**AUGUST RECESS**
March 7th	**September 6th - Tuesday**
March 21st	**September 19th**
April 4th	**October 3rd**
April 18th	**October 17th**
May 2nd	**November 1st - Tuesday**
May 16th	**November 14th**
May 31st - Tuesday	**November 28th**
June 13th	**December 12th**
June 27th	**December 27th - Tuesday**

Yeas 5
Nays 0
ADOPTED

RESOLUTION: YOUTH BOARD APPOINTMENTS, 2010-100
BY: COUNCIL MEMBER CHARLES WALKER

Agenda Item #17

Noreen Chatmon 444 Memorial Parkway Niagara Falls, NY 14303	12/31/2013
Candace Corsaro 1826 North Avenue Niagara Falls, NY 14305	12/31/2013
Vincent Cancemi 3992 McKoon Avenue Niagara Falls, NY 14305	12/31/2013
Alexandrea Dell (Adult as of 1/1/2011) 1303 Roselle Avenue Niagara Falls, NY 14305	12/31/2011
Michael Montanaro (Youth) 2757 LaSalle Avenue Niagara Falls, NY 14305	12/31/2011
APPOINTMENTS	**TERM EXPIRES:**
Rick Williams 2761 Falls Street Niagara Falls, NY 14303	12/31/2013
Rashad Travis (Youth for 1 year) 2495 Woodlawn Avenue Niagara Falls, NY 14301	12/31/2011

Yeas 5
Nays 0
ADOPTED

RESOLUTION: APPEALS, BOARD OF REAPPOINTMENTS, 2010-101
BY: COUNCIL CHAIR SAM FRUSCIONE

Agenda Item #18

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Board of Appeals, for the expiration date, which appears opposite his name:

REAPPOINTMENT

Zachary Casale 668 Orchard Parkway Niagara Falls, New York 14301	12/31/2013
Anthony Scricco, Sr. 260 – 66th Street Niagara Falls, New York 14304	12/31/2013

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PLANNING BOARD, APPOINTMENTS/REAPPOINTMENTS, 2010-102
BY: COUNCIL CHAIR SAM FRUSCIONE

Agenda Item #19
BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Planning Board for the expiration date, which appears opposite his/her name:

RE-APPOINTMENT	**TERM EXPIRES:**
Mark Grozio 640 – 73rd Street Niagara Falls, NY 14304	12/31/2013

APPOINTMENT	**TERM EXPIRES:**
(To fill the unexpired term of Angelo D'Aloise who has resigned:	
Hal Faba 3010 Macklem Avenue Niagara Falls, NY 14305	12/31/2011

APPOINTMENT	**TERM EXPIRES:**
Laurie Davis 1316 – 24th Street Niagara Falls, NY 14301	12/31/2013
Paulette Shine 2915 – 21st Street Niagara Falls, NY 14305	12/31/2013

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NF HISTORIC PRESERVATION COMMISSION, APPOINTMENT, 2010-103
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #20
BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Historic Preservation Commission effective Dec 31, 2010, for the expiration date which appears opposite his name:

APPOINTMENT	**TERM EXPIRES:**
Christopher M. Stoianoff 2126 North Avenue Niagara Falls, NY 14305	12/31/2014

Yeas 5
Nays 0

ADOPTED

RESOLUTION: AMENDING CHAPTER 701 OF THE CODIFIED ORDIANCES ENTITLED "ANIMALS, FOWL AND DOGS", 2010-104
BY: COUNCIL MEMBER ROBERT ANDERSON, JR.

Agenda Item #21

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 701 of the Codified Ordinances entitled AAnimals, Fowl and Dogs@ is hereby amended by adding a new Section 701.01 entitled "Definitions", amending Section 701.06 entitled "Owning, Harboring or Keeping a Barking Dog", adding a new Section 701.07 entitled "Licensing of Dogs", adding a new Section 701.08 entitled "Identification of Dogs" and amending Section 701.99 entitled "Penalty" to read as follows:

CHAPTER 701
ANIMALS, FOWL AND DOGS

701.01 DEFINITIONS

As used in this article, the following terms shall have the meanings indicated:

AGRICULTURE AND MARKETS LAW – the Agriculture and Markets Law of the State of New York in effect as of the effective date of this article, as amended by this article and as amended thereafter.

CLERK – means the City Clerk, or Deputy City Clerk, of the City of Niagara Falls, where licenses are to be validated or issued.

DETECTION DOG – means any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

DOG – means any member of the species canis familiaris.

DOG CONTROL OFFICER – any person authorized from time to time to enforce the provisions of the Agriculture and Markets Law of the State of New York and provisions set forth in this article.

GUIDE DOG – means any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred.

HARBOR – means to provide food or shelter to any dog or cat.

HEARING DOG – means any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such training.

IDENTIFICATION TAG – means a tag which sets forth a permanent municipal identification number, as required by the provisions set forth in this article.

CITY – means City of Niagara Falls.
OWNER – means any person who harbors or keeps any dog, cat or other animal.
PERSON WITH DISABILITY – means any person with a disability as that term is defined in Subdivision 22 of Section 292 of the New York State Executive Law.
POLICE WORK DOG – means any dog owned or harbored by any municipal police department or any State or Federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.
SENIOR RESIDENT – means any resident of the City age 65 or older.

SERVICE DOG – means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative. SERVICE DOG shall also refer to dogs defined herein as a DETECTION DOG, GUIDE DOG, HEARING DOG, POLICE WORK DOG, THERAPY DOG, and WORKING SEARCH DOG.

THERAPY DOG – means any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing home, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.

WAR DOG – means any dog which has been honorably discharged from the United States armed services.

WORKING SEARCH DOG – means any dog that is trained to aid in the search for missing persons and is actually used for such purposes; provided, however, that such services provided by said dog shall be performed without charge or fee.

[701.01] **701.02** FOWL AND LIVESTOCK PROHIBITED IN RESIDENTIAL DISTRICTS.

. . .

[701.02] **701.03** CONSENT OF PROPERTY OWNERS TO KEEP PETS; PERMIT.

. . .

701.04 DOGS AT LARGE

. . .

701.05 SEIZURE AND IMPOUNDING OF DOGS

. . .

701.06 OWNING, HARBORING OR KEEPING A BARKING DOG.

No person owning, harboring or keeping any dog or dogs shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by barking, howling or making other loud or unusual noises for ten or more continuous minutes.

Any person who owns, harbors or keeps any dog who is barking, howling or making other loud or unusual noises at any time of the day or night, shall impound said dog in the owner's or keeper's home or residence.

Failure of any person to impound said dog upon the request of a police officer is a violation of this ordinance. Any person violating this section shall be fined **[ten dollars ($10.00]** **Twenty-five Dollars ($25.00)** for the first offense and **[twenty-five dollars ($25.00)]** **Fifty Dollars ($50.00)** for the second or subsequent offense.

[701.07 LICENSING OF DOGS.

(a) No person shall own or harbor a dog unless licensed as provided in this article.

(b) Every person owning or harboring a dog shall make application to the City Clerk for a license. Licenses shall not be required for dogs under the age of six (6) months, which are not at large.

(c) Except as provided in Article 7, Section 109 of the Agriculture and Markets Law and except as to dogs owned by one or more persons each of whom is sixty-five years of age or older, the applicant shall pay to the City Clerk, at the time of making application, the following additional fees:

Ten dollars local license fee for each spayed or unspayed female dog and neutered or unneutered male dog.

(d) Any person who violates the provisions of this section shall be punished by a fine of not more than fifty dollars ($50.00), except that where such person was found to have violated this section within the preceding five years, the fine shall be not more than One Hundred Dollars, ($100.00), and where such person was found to have committed two or more such violations within the preceding five years, by a fine of not more than Two Hundred Fifty Dollars ($250.00) or imprisonment for not more than fifteen days, or both.]

701.07 LICENSING OF DOGS.

(1) All dogs within the City of Niagara Falls four (4) months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return to the Clerk, a dog license application together with the license fee, any applicable license surcharges and such additional fees as may be established by the City of Niagara Falls. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided such certificate shall not be required if the same is already on file with the Clerk Each license shall be valid for a period of one year and shall not be transferable.

(2) The owner of one or more purebred dogs registered by a recognized registry association may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by subdivision (1) of this section. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

The application shall state the name, address and telephone number of each owner, the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises, and the sex and breed of each purebred dog over the age of over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

The application shall be accompanied by a license fee of $25.00 and a certificate of rabies vaccination or statement in lieu thereof, as required by subdivision (1) herein. In addition to the purebred license fee imposed herein, each applicant for a purebred dog license shall pay a surcharge of $3.00.

No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of subdivision (1) of this section, except when the new owner holds a valid purebred license.

(3) The fees for dog licenses are as follows:

(a) For each spayed or neutered dog: $11.50

(b) For each unspayed or unneutered dog: $17.50

(c) Notwithstanding the provisions of subdivisions (a) and (b) herein, the license fee for any dogs owned by one or more persons each of whom is sixty-five years of age or older is $6.50 for each spayed or neutered dog and $12.50 for each unspayed and unneutered dog.

(d) In addition to the license fee established by subdivisions (a), (b) or (c) herein, each applicant for a dog license shall pay a surcharge of $1.00 if the dog to be licensed is spayed or neutered, or a fee of $3.00 if the dog sought to be licensed in unspayed or unneutered.

(e) In addition to the license fees established above, each applicant for a dog license for a dog identified as unlicensed during an enumeration shall pay a surcharge of $5.00 which shall be retained by the City of Niagara Falls and used to defray the cost of an enumeration of dogs living within the City of Niagara Falls. In the event the additional fees collected exceed the expenses incurred by the City in conducting an enumeration in any year, such excess fees may be used by the City for any other lawful purpose

(f) There shall be no fee for any license issued for any detection dog, guide dog, hearing dog, service dog, therapy dog, war dog, working search dog or police work dog. Each copy of any license for such dogs shall be conspicuously marked detection dog, guide dog, hearing dog, service dog, therapy dog, war dog, working search dog or police work dog, as may be appropriate, by the City Clerk.

(g) In the event an owner fails to renew any license before the expiration of the current license, there shall be a fee of $10.00 imposed for late renewal.

(h) In the event an owner has failed to pay the license fee for any required one year period prior to the current year (hereinafter "delinquent fees"), said owner must pay the amounts owed for the delinquent fees in addition to the license fee for the current year, plus late sees in accordance with subdivision (g) herein.

(i) Fees may be changed from time to time pursuant to the City Code and existing local law. License fees may also change based upon state surcharge payments.

701.08 IDENTIFICATION OF DOGS

Dogs shall be identified as follows:

(1) Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dogs at all time.

(2) The official identification number shall constitute the official identification of the dog to which it is assigned and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

(3) At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge.

(4) No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

(5) The identification tag shall be imprinted with the "City of Niagara Falls", a unique identification number and the telephone number of the City Clerk's office.

(6) The cost for the identification tag shall be $5.00. If an identification tag is lost or stolen, a new identification tag and new permanent municipal identification number will be issued at a cost of $5.00 per replacement tag.

(7) If there is a change of ownership, a new identification tag and new permanent municipal identification number will be issued to the new owner, who shall be charged a fee of $5.00 for same.

(8) In the event of a change in ownership of any dog which has been assigned an official identification number or in the address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Clerk. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, notify the Clerk. In the case of a dog's death, the owner of record shall so notify the Clerk either prior to renewal of license or upon the time of such renewal.

[701.08] 701.09 LIMITATION OF NUMBER OF DOGS AND CATS

. . .

[701.09] 701.10 EXCEPTIONS FOR LITTERS.

. . .

[701.10] 701.11

. . .

[701.11] 701.12 REMOVAL OF DOG AND OTHER ANIMAL DEFECATIN FROM PUBLIC AND PRIVATE PROPERTIES.

. . .

[701.15 PENALTY.

A violation of any provision of Sections 701.08, 701.09, 701.10 and 701.11 of this Chapter shall be punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred Dollars ($200.00), or a sentence of imprisonment not to exceed fifteen (15) days or both such fine and imprisonment.

701.99 PENALTY.

Any person violating Section 701.04 or Section 915.25(a) or 923.02(c) when the animal is a dog, shall be penalized fifty dollars ($50.00) for the first offense. Each and every violation thereafter shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred and Fifty Dollars ($250.00), or a sentence of imprisonment not to exceed fifteen (15) days or both such fine and imprisonment.]

701.99 PENALTY

Any person violating any of the Sections herein other than Section 701.06, or violating Section 915.25(a) or 923.02(c) of the Codified Ordinances of the City of Niagara Falls when the animal is a dog, shall be penalized fifty dollars ($50.00) for the first offense. Each and every violation thereafter shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred and Fifty Dollars ($250.00), or a sentence of imprisonment not to exceed fifteen (15) days or both such fine and imprisonment.

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

Yeas 5
Nays 0

ADOPTED

RESOLUTION: RECREATION AND YOUTH SERVICES, PROJECT APPLICATION FOR STATE AID, 2010-105
BY: ALL COUNCIL MEMBERS

Agenda Item #22

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby authorizes the application for funds as set forth on the attached Project Application/Resolution Certification Form.(on file in the City Clerk's office)

Yeas 5
Nays 0
ADOPTED

RESOLUTION: LEONE, CASMER E., MD, HONORING, 2010-106
BY: ALL COUNCIL MEMBERS

Agenda Item #23

WHEREAS, on January 6, 2011, Dr. Casmer E. Leone, MD will celebrate his 90th birthday; and

WHEREAS, Dr. Leone was born Cosimo Epiphanio Leone on January 6th, 1921 in Niagara Falls, New York to immigrants Ignazio and Giusepina Leone who came to America from Cerda, Sicily; and

WHEREAS, Casmer grew up with 3 brothers and 3 sisters and lived among the neighborhoods of East Falls Street where he attended 13th Street School, South Junior High School and Niagara Falls High School; and

WHEREAS, In his early years, Casmer delivered newspapers for the Niagara Gazette and then later worked in various factories before graduating magna cum laude from Niagara University as a chemistry major. In 1943, Casmer enlisted in the Officers Candidate School of the U.S. Army where he held the rank of lieutenant. During that time, he met the beautiful Elpina P. Marinello and they were married on June 3rd, 1944; and

WHEREAS, Upon the war's end in 1945, Casmer attended Georgetown University Medical School in Washington, D.C. and graduated in 1951. He and Elpina returned to Niagara Falls where they raised a family of 7 children while Casmer practiced medicine as a General Practitioner. As a respected physician and family doctor, Casmer provided medical services to the people of Niagara Falls for over 52 years. In 1995, Casmer retired from the medical field and now enjoys spending time at home with his bride, Elpina. They have enjoyed over 65 years of married life.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council congratulate Dr. Casmer E. Leone, MD as he celebrates his 90th Birthday and wishes much happiness to him and his entire family.

Yeas 5
Nays 0
ADOPTED

RAINBOW MALL, SECURITY

Agenda Item #24

As a result of the assignment by the Cordish Company of the Ground Lease in the Rainbow Mall to the NCCC Foundation and the subsequent cancellation of that Ground Lease by the NCCC Foundation and the City, the City is now responsible for the security of a substantial portion of the Rainbow Mall. The Cordish Company engaged a security team to conduct security at the Mall on a 24 hour, 7 day per week basis at a cost of $280.00 per day. It is recommended that the City utilize this security team until such time as the City's Department of Public Works Director can develop and implement a plan for security going forward. The security team will remain on the Cordish Company payroll and the Cordish Company will invoice the City on a periodic basis for this continuing security in the Rainbow Mall. The cost is not expected to exceed $11,000.00. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci
City Clerk

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