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JANUARY 1, 2016

ORGANIZATIONAL MEETING **NIAGARA FALLS, NEW YORK**

The Organizational Meeting of the January 1, 2016, Niagara Falls City Council was called to order by Council Chairman Andrew Touma at 11:05 AM in the Council Chambers.

The prayer was said by Rev. Raymond Allen. Members of the Niagara Falls Fire Department and Niagara Falls Police Department Color Guards posted the Flag. Niagara Falls High School Students led the gathering in the Pledge of Allegiance to the Flag. Caitlyn and Cathleen Dyster sang the National Anthem.

Chairman Touma welcomed Lt. Governor Kathy Hochul who congratulated the new Council Members and spoke of the great things happening in the City.

Chief City Court Judge Mark Violante administered the Oath of Office to new Council Member Ezra P. Scott, Jr. as Council Member Scott's parents held the Bible.

Judge Violante then administered the Oath of Office to new Council Member Kenny Tompkins as Council Member Tompkins's wife and children held the Bible.

The new Council Members Scott and Tompkins thanked the residents for their support and promised to work hard for the best interests of the City.

Chairman Touma then asked City Clerk, Carol A. Antonucci to call the Roll.

Present: Council Chairman Touma, Council Members Kristen Grandinetti, Ezra Scott, Kenny Tompkins and Charles Walker. 5

Chairman Touma then asked if there were any nominations for Council Chairman 2016. Council Member Walker nominated Andrew Touma, and his nomination was seconded by Council Member Scott. There being no further nominations, Chairman Touma called for a Vote to be taken. All Council Members voted for Andrew Touma, who was unanimously elected Council Chairman for 2016. Judge Violante then administered the Oath of Office to Chairman Touma as Chairman Touma's father held the Bible.

The meeting then proceeded to the Agenda.

RESOLUTION: CITY COUNCIL 2016 MEETING SCHEDULE, 2016-1
BY: ALL COUNCIL MEMBERS

Agenda Item #1

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it hereby adopts the schedule of dates below as the official schedule of meeting dates for the Niagara Falls City Council for 2016, and be it further

BE IT FURTHER RESOLVED, that the City Council of the City of Niagara Falls will hold its work sessions at 5:00 PM, and its legislative sessions at 6:00 PM on the dates listed below.

January 1 Organizational Meeting
January 11
January 25
February 8
February 22
March 7
March 21
April 4
April 18
May 2
May 16
May 31 (Tuesday)
June 13
June 27
July 11
July 25
September 6 (Tuesday)
September 19
October 3
October 17
November 1 (Tuesday)
November 14
November 28
December 12
December 27 (Tuesday)

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: NIAGARA GAZETTE, DESIGNATION AS OFFICIAL NEWSPAPER, 2016-2
BY: ALL COUNCIL MEMBERS

Agenda Item #2

BE IT RESOLVED, by the City Council of Niagara Falls, New York, that the designation of the Niagara Gazette as the official newspaper of the City of Niagara Falls, New York for the purposes of printing and/or publishing of all legal notices, public hearing notices and any other matters required by law or by the City Council or the Boards of the City to be printed and/or published is hereby continued, and

BE IT FURTHER RESOLVED, that this designation shall be in effect for the year 2016, but such designation shall not thereafter lapse until superseded.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: INVESTMENT POLICY, 2016-3

Agenda Item #3

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 (on file in the City Clerk's Office) 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 Court Judge Diane Vitello administered the Oath of Office to Mayor Paul A. Dyster as Mayor Dyster's wife and father held the Bible. Mayor Dyster welcomed those present, thanked the residents for their support and then spoke of the great things to come for the City.

Judge Violante then administered the Oath of Office to County Legislatores Owen Steed, Jason Zona and Dennis Virtuoso.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 12:00 noon.

Carol A. Antonucci
City Clerk

The first session of the January 11, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:04 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Council Member Walker moved to approve the Minutes from the Council Meeting of December 28, 2015.

Yeas	5
Nays	0
	APPROVED

Chairman Touma asked the Travis family to come forward while he read the Proclamation honoring Sgt. Theodore Travis (Agenda Item #14). He and the Council Members presented that Proclamation to the family, and Sgt. Travis's wife said a few words about her late husband.

Andrea Czopp, representative from NTCC, was introduced by Mayor Paul Dyster. She spoke about the Great Lakes Initiative Conference that is being hosted by Niagara Falls. Our partner, NTCC, has offered resources for this and there is no cost to the City for this Conference. The Mayor spoke about the two day conference, and said that it is excellent exposure and Bed Tax revenue and additional revenue will be received by the City. A discussion among the Council Members, Mayor, and Acting Planning Director Thomas DeSantis followed. Corporation Counsel Craig Johnson will provide a copy of the expenses for the Conference to the Council.

Chairman Touma stated that the phone system will be addressed at the next Council Meeting. City Administrator Donna Owens said the Director of MIS, Joseph Morock Jr., will be talking to Vendors and will discuss this at the next Meeting. Brooke D'Angelo will also speak at the next Council Meeting about education concerning recycling and going into the schools.

Council Member Scott addressed Agenda Item #2, relative to the purchase of Police vehicles, and asked if Casino Funds are the only way to pay for the Police vehicles. Mayor Dyster said Capital purchases are under Casino funds and this would qualify. Police Captain Trane stated that some vehicles were ordered at the end of 2015. Controller Maria Brown explained about paying out of Casino funds and she would like to sit down with all the Council Members to explain the complexity of using Casino funds.

Mayor Dyster reported that the Buffalo/Niagara Partnership Projects included three Projects for the City, and he thanked those Council members who attended the meeting.

Corporation Counsel Craig Johnson introduced a walk-on in regards to hosting the 2016 Annual Meeting and Conference of the Great Lakes and St. Lawrence Cities Initiative. Chairman Touma asked if this walk-on could be put on at the next meeting to give the Council Members a chance to review this, and Mayor Dyster said this was not possible due to having to book the Conference Center now. Chairman Touma asked for a motion to add this Item to the Agenda. Council Member Grandinetti made the motion, but there was no second; therefore, the Item was not added to the Agenda.

Council Member Walker talked about Agenda Item #4, relative to an Ordinance Amendment for Benefits of Employees not covered by Collective Bargaining Agreements, and said that this is a part time position, but full time hours are put in by the Council Members. He will speak about this when voting and he can't support it.

The Meeting ended at 6:07 PM

Chairman Touma reconvened the Meeting at 6:25 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Robert Pascoal	Agenda Item #2
Ron Anderluh	Welcomed new Council Members; Parking Meters installation downtown; enforcement of Parking Meters; location of meters
Jamie Caldwell	Delay of Hamister Project; hiring of Engineer
Rick Crogan	Mayor's Conference, Agenda Item #16, same weekend of Music/Art Festival, can market this with Conference
Diane Tattersall	Compliment to DPW for cleanup; Rick Crogan's statements are positive; concerns and problems in Niagara Falls; voter Turnout low; Great Lakes Conference

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF DECEMBER 2015

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: POLICE DEPT., VEHICLES

Agenda Item #2

The Superintendent of Police advises that it is necessary now to purchase five (5) new vehicles. These vehicles consist of three (3) Ford Police Interceptors (SUV type vehicles) and two (2) Ford vans. The vehicles that are being replaced are high mileage vehicles and are out of compliance with acceptable police standards. The total cost of the five (5) vehicles inclusive of up-fitting the vehicles, inside and out and marking them with graphics is $180,500.

The City Controller advises that funding is available from casino revenues.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

Council Member Scott stated we do need these, is voting Yes.
Council Member Tompkins said he has seen the shape of these cars and is voting Yes.
Council Chairman Touma said he has driven in some of the vehicles and the Police are put in a very unsafe situation with the older cars. Casino Dollars are earmarked for purchases such as these and is voting Yes.

CITY PROPERTY: 425 THIRD STREET, CONSTRUCTION ACCESS PERMISSION

Agendas Item 2A

The City owns the vacant lot located at 425 Third Street. The owner of the Zaika Indian Restaurant at 421 Third Street, the adjoining property, has asked for permission to enter the City-owned property for access to a wall on the restaurant property during some renovations.

Under Real Property Action and Proceedings Law §881, a property owner can obtain a court order for access to an adjoining property for construction. Since the law provides for this access, the City Council generally grants permission.

In this instance, the access will be for up to 14 consecutive days during January or February, with the specific dates to be agreed upon. The property owner will indemnify the City against any damages or claims for injuries to persons or property. The contractor will provide the standard City insurance, with the City named as additional insured. The property owner or contractor will not damage the City property during construction and will restore the City property to the condition it was in before access.

Will the Council vote to approve construction access permission as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: CALABRO, CHARLES V.

Agenda Item #3

Date Claim Filed:	February 2, 2008
Date Action Commenced:	March 17, 2009
Date of Occurrence:	January 8, 2008
Location:	1300 block of Michigan Avenue
Nature of Claim:	Damages sustained during police investigation
Status of Action:	Pre-trial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$115,000.00
Make Check Payable to:	Charles V. Calabro and Shaw & Shaw, 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 claim be paid under the terms set forth above. Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

RESOLUTION: BENEFITS OF EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS, ORDINANCE AMENDMENT, 2016-4
BY: COUNCIL MEMBER KENNETH M. TOMPKINS

Agenda Item #4

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 171 of the Codified Ordinances entitled ABenefits of Employees Not Covered by Collective Bargaining Agreements@ is hereby amended by amending Section 171.01 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 and members of 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 purposes of health, dental and life insurance benefits only, Municipal Civil Service Commissioners [shall be considered City employees as defined above] first appointed after January 1, 2016 shall not be considered City employees as defined above.

• • •

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

Yeas 5
Nays 0

ADOPTED

Chairman Touma stated that this is a part time position and health insurance was voted on by previous Council Members to assist Commission Members. We need to look at everything to make sure we make it equal for all Board Members, and he is voting Yes.

RESOLUTION: BENEFITS OF EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS, ORDINANCE AMENDMENT, 2016-5
BY: COUNCIL MEMBER KENNETH M. TOMPKINS

Agenda Item #5

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 171 of the Codified Ordinances entitled ABenefits of Employees Not Covered by Collective Bargaining Agreements@ is hereby amended by amending Section 171.05 to read as follows:

171.05 HEALTH INSURANCE.

a. The City shall provide group health and dental insurance as provided for under the City's "Health Care Memorandum of Understanding", agreed to be the City's Health Care Committee and adopted by the City Council January 17, 2006. The Blue Cross/Blue Shield PPO is the current health insurance plan under the MOU and Delta Dental Premier is the current dental plan. City Council members first elected after January 1, 2016 or re-elected, after a separation from service as a City Council member after January 1, 2016, will not be entitled to any benefit contained in the City's "Health Care Memorandum of Understanding", including, but not limited to, health and dental insurance and any health insurance opt-out payment.

• • •

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

Yeas 3
Grandinetti, Tompkins, Chairman Touma
Nays 2
Scott, Walker

ADOPTED

Council Member Scott said he made it clear in his statement to the Niagara Gazette about this and is standing firm and is voting No. Council Chairman Touma said we need to look at all areas to cut expenses and Health Care is one of them. We do have full time responsibilities for a part time job. A difficult vote as we need to make a tough decision and need to look at this down the road and he is voting Yes.

RESOLUTION: CABLE TELEVISION COMMISSION, REAPPOINTMENT/APPOINTMENTS, 2016-6
BY: ALL COUNCIL MEMBERS

Agenda Item #6

BE IT RESOLVED, that the following individuals are hereby reappointed and appointed to the City of Niagara Falls Cable Television Commission, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENT:	TERM EXPIRES:
Richard Meranto 4622 Terrace Drive Niagara Falls, NY 14305	12/31/2020

APPOINTMENT:	TERM EXPIRES:
Kenneth A. Badger 563 17th Street Niagara Falls, NY 14301	12/31/2019
Matthew J. Jones 1639 Ontario Avenue Niagara Falls, NY 14305	12/31/2018

Yeas 5
Nays 0

ADOPTED

RESOLUTION: CIVIL SERVICE COMMISSION, APPOINTMENT, 2016-7
BY: ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, there is currently one vacant seat on the Niagara Falls Civil Service Commission, due to the passing of Mr. Lewis "Babe" Rotella.

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Civil Service Commission, effective immediately to fill the unexpired term of Mr. Rotella:

APPOINTMENT:	TERM EXPIRES:
Lora Allen 1656 Michigan Avenue Niagara Falls, NY 14305	5/31/2020

Yeas 5
Nays 0
ADOPTED

RESOLUTION: SENIOR CITIZEN COUNCIL, REAPPOINTMENTS, 2016-8
BY: ALL COUNCIL MEMBERS

Agenda Item #8

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Senior Citizen Council, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENT:	TERM EXPIRES:
Marie DeFelice 2540 Jerauld Avenue Niagara Falls, NY 14303	12/31/2016
Harold Fox 2243 Cleveland Avenue Niagara Falls, NY 14305	12/31/2017
George Kralick 512 82nd Street Niagara Falls, NY 14304	12/31/2017
Robert Ramos 2481 South Avenue Niagara Falls, NY 14305	12/31/2017
Norman Bock 3807 Pine Avenue Niagara Falls, NY 14301	12/31/2018
Lucy Hamera 3019 Welch Avenue Niagara Falls, NY 14303	12/31/2018

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PLANNING BOARD, REAPPOINTMENT/APPOINTMENTS, 2016-9
BY: ALL COUNCIL MEMBERS

Agenda Item #9

BE IT RESOLVED, that the following individuals are hereby reappointed and appointed to the City of Niagara Falls Planning Board, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENT:	TERM EXPIRES:
Lisa Vitello 4859 Terrace Drive Niagara Falls, NY 14305	12/31/2018

APPOINTMENT:	TERM EXPIRES:
Michael Murphy 642 4th Street Niagara Falls, NY 14301 (to fill the unexpired term of Ms. Laurie Davis)	12/31/2016
Joyce M. Williams 1314 Calumet Avenue Niagara Falls, NY 14305	12/31/2018

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, REAPPOINTMENTS, APPOINTMENTS, 2016-10
BY: ALL COUNCIL MEMBERS

Agenda Item #10

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

REAPPOINTMENT:	TERM EXPIRES:
Traci L. Bax 8654 Hennepin Avenue Niagara Falls, NY 14304	12/31/2016
Adrienne Bedgood 2256 South Avenue Niagara Falls, NY 14305	12/31/2016
Angela Berti Prospect Street & Old Falls St. Niagara Falls, NY 14303	12/31/2016
Ron Droegmyer 300 3rd Street Niagara Falls, NY 14303	12/31/2016
Mickey Dumas 1023 South Avenue Niagara Falls, NY 14305	12/31/2016
Denise Easterling 1306 Willow Avenue Niagara Falls, NY 14305	12/31/2016
Ernest Lucantonio 2450 Forest Avenue Niagara Falls, NY 14301	12/31/2016

REAPPOINTMENT:	TERM EXPIRES:
Mark Mistriner 2945 North Avenue Niagara Falls, NY 14301	12/31/2016
Gay Molnar 2114 River Road Niagara Falls, NY 14304	12/31/2016
Jason Murgia 101 Old Falls Street Niagara Falls, NY 14303	12/31/2016
Willie Price 91 Deuro Drive Niagara Falls, NY 14304	12/31/2016
Pat Proctor 454 Main Street Niagara Falls, NY 14301	12/31/2016
Lisa Vitello 4859 Terrace Drive Niagara Falls, NY 14305	12/31/2016
Shawn Weber 250 Rainbow Boulevard Niagara Falls, NY 14303	12/31/2016

APPOINTMENT:	TERM EXPIRES:
Richard A. Crogan 646 4th Street Niagara Falls, NY 14301	12/31/2016
Jeffery Flach 723 3rd Street Niagara Falls, NY 14301	12/31/2016

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ZONING BOARD OF APPEALS, REAPPOINTMENTS/APPOINTMENTS, 2016-11
BY: ALL COUNCIL MEMBERS

Agenda Item #11

BE IT RESOLVED, that the following individuals are hereby reappointed and appointed to the City of Niagara Falls Zoning Board of Appeals, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENT:	TERM EXPIRES:
Craig Avery 151 Buffalo Avenue Apt. 1205 Niagara Falls, NY 14303	12/31/2018
John Cooper 540 12th Street Niagara Falls, NY 14301	12/31/2018

APPOINTMENT:	TERM EXPIRES:
Camille Sarkees 151 Buffalo Avenue Apt. 1202 Niagara Falls, NY 14303	12/31/2018

Robert Pascoal 12/31/2018
6124 Buffalo Avenue
Niagara Falls, NY 14304

Yeas 5
Nays 0
ADOPTED

Chairman Touma stated in regards to all Boards, it is a privilege to be on these Boards. Resumes were amazing from our residents and he is voting Yes.

RESOLUTION: YOUTH BOARD, REAPOINTMENT/APPOINTMENTS, 2016-12
BY: ALL COUNCIL MEMBERS

Agenda Item #12

BE IT RESOLVED, that the following individuals are hereby reappointed and appointed to the City of Niagara Falls Youth Board, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENT:	TERM EXPIRES:
Philip Mohr 4525 Lewiston Road Niagara Falls, NY 14301	12/31/2018

APPOINTMENT:	TERM EXPIRES:
Vera Woods 4015 McKoon Avenue Niagara Falls, NY 14305	12/31/2018
Theresa Kasper 2936 Niagara Avenue Niagara Falls, NY 14305	12/31/2018
Helen Kress 2965 Weston Avenue Niagara Falls, NY 14305	12/31/2018
Sanquin Starks 8521 Porter Rd. #23 Niagara Falls, NY 14304 (to fill the unexpired term of Bryan Rotella – resignation)	12/31/2017

Yeas 5
Nays 0
ADOPTED

RESOLUTION: HYDE PARK OASIS, WAIVER OF RENTAL FEES, SERTOMA CLUB, 2016-13
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #13

WHEREAS, the Niagara Falls Sertoma Club wishes to do its part in helping those in our city who are considered less fortunate; and

WHEREAS, the Sertoma Club donates to various organizations including the V.A. Homeless Veterans Program, Family and Children Services, Niagara Hospice, Niagara Falls Boys and Girls Club, Niagara Cerebral Palsy, Heart and Soul Community Kitchen, NF Police Association and Opportunities Unlimited; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls does hereby waive the rental fee of the Oasis at Hyde Park, for the Niagara Falls Sertoma Club's 62nd Annual Chicken Barbecue, to be held on Sunday, August 21, 2016. This is one of their main fundraisers that help support various organizations throughout the City (letter on file in the City Clerk's Office).

Yeas 5
Nays 0
ADOPTED

Council Member Scott believes the Sertoma Club does much for the Community and he is voting Yes.

RESOLUTION: TRAVIS, SGT THEODORE, Honoring, 2016-14
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, the Niagara Falls City Council wishes to honor the memory and service of Sgt. Theodore Travis for his dedication to the City of Niagara Falls and the United States of America; and

WHEREAS, Sgt. Travis was a dedicated and diligent member of our United States Military Service. He was a member of the 101st Airborne, 2nd Brigade, 3rd Battalion, 502 Infantry, Multinational Force of Sinai Peninsula, and 8 crew members. He was one of 248 members of the military killed in the historic Gander, New Foundland airplane explosion. The incident was known as one of the worst aviation accidents in military history at the time; and

WHEREAS, Mr. Travis was the exceptional husband of Cynthia, father of Theodore, Jr. and Stephan Sr.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York, does hereby honor the memory of Sgt. Theodore Travis. This honor will be entered into public record forevermore.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: MARRIAGE OFFICER, REAPPOINTMENT, 2016-15
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #15

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

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, Leonard G. Lapp, Jr. be reappointed as a Marriage Officer for the City of Niagara Falls for a term of four years; and

BE IT FURTHER RESOLVED, that the fee for such marriage service shall be $100.00; and

BE IT FURTHER RESOLVED, that the fees for all marriages performed by said Marriage Officers during normal business hours be deposited to the credit of the City of Niagara Falls.

Yeas 5
Nays 0
ADOPTED

GREAT LAKES/ST. LAWRENCE CITIES INITIATIVE, 2016 ANNUAL MEETING/CONFERENCE, HOSTING

Agenda Item #16

In June of 2016, the City will play host to the Annual Meeting and Conference of the Great Lakes and Saint Lawrence Cities Initiative ("GLSLCI"). There are 118 municipalities that are members of the GLSLCI. As Council members may know, the GLSLCI has as its primary purpose the mission of preserving and safeguarding the quality of the fresh water in the various bodies of water that surround us. We have been active in the GLSLCI for a number of years and are proud and excited that the City will play host to this Annual Meeting and Conference this summer.

In the proposed MOU, the Niagara Tourism & Convention Corporation (the "NTCC") agrees to assist the City in hosting this conference by making its resources available to perform many of the planning and logistic tasks required for the conference as well as assist the City with the solicitation of sponsors and other sources of revenue. The NTCC will also be providing up to $5,000.00 of its own funds toward transportation related expenses.

While the experience of member cities in the GLSLCI over the years in hosting this Annual Meeting and Conference has not resulted in any expense to the host city that was not covered by revenues generated, the NTCC is requesting a commitment from the City that any costs and expenses it incurs over and above any revenues generated will be reimbursed by the City up to $75,000.00. The funding for this financial commitment, if needed, is available from Casino Revenues If any surplus exists, it will be retained by the GLSLCI.

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

Yeas 4

Grandinetti, Tompkins, Walker, Chairman Touma

Nays 1

Scott

APPROVED

Council Member Grandinetti believes this information should have been given to Council in a more timely manner. This should have been given to us at an earlier time. She wholeheartly supports this is voting Yes.
Council Member Scott said he just received this tonight and is voting No.
Council Member Tompkins said with this additional information they have given us is voting Yes.
Council Member Walker understood how the operation works but didn't have a Budget. Since we now have the Budget, he became comfortable with this and is voting Yes.
Council Chairman Touma thanked the administration for putting this together for the City and this is a win for the City. Appreciates NTCC's partnership in this. We can't rush to decisions when we don't have ample information but with the information shared with us tonight, I vote Yes.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:03 P.M.

Carol A. Antonucci
City Clerk

The first session of the January 25, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

City Administrator Donna Owens introduced Director of MIS Joseph Morock, Jr. to speak about the City Website. Mr. Morock stated that the current website is approximately 10 years old, and a more functional website is needed, and he talked about some of the features that will be on this new website. Each Department will have their own web page, and Department Heads will be consulted about their web page needs. He added that he doesn't want to buy more than what is actually needed. Council Member Grandinetti stated that the website needs to be user friendly for the general public. City Administrator Owens said Mr. Morock will have the timeline for the website at the next Council meeting.

Brooke D'Angelo, SWEET Program Coordinator, gave a presentation on the Refuse/Recycle Program. Council Member Tompkins asked about the tonnage, and cleaning of the alleys in Niagara Falls. Robert Spacone, Acting Director of Parks, said the Clean Neighborhood Inspector responds to the complaints and an immediate cleanup will be done and the property owner will then be billed. The City is experiencing illegal dumping, and DPW is doing a great job of the cleanup of this. He will provide Council Member Tompkins the cost of this. Ms. D'Angelo said that a violation "OOPS" is issued to the non-compliant home owner, and education is the key. Council Member Tompkins asked about better hours for pickups. Joe Hickman, representative from Modern Disposal, said that Modern is currently closed on Saturdays, but in April and May they will be opening on Saturdays. He is pleased with the success rate in the City, and said that we are on the right track. Chairman Touma asked the Mayor about moving forward with education and enforcement, and if, as the phone calls decrease, Ms. D'Angelo can be used in the capacity of educating residents. Council Member Walker said we were going to incorporate this position into DPW and we need to sit down and put it together.

Mayor Dyster spoke about the US Council of Mayors Conference that he attended. He also stated that Senator Ortt's office obtained a $250,000.00 grant for the 72nd Street Project, and Assemblyman Ceretto also obtained a grant for this Project.

Mayor Dyster said there was a Press Conference today, with US Attorney Bill Hochal in attendance, in regards to the sentencing of Dr. Mehta. Superintendent of Police DalPorto talked about Dr. Mehta's prescribing pain pills illegally. Superintendent DalPorto also spoke on the Plate Readers (Agenda Item #12). City Controller Maria Brown said this was taken out of the Budget and it should be put back in. Corporation Counsel Craig Johnson added that a plea agreement was made with Dr. Mehta and his wife for a transfer of his Office and 3 properties on 3rd St. to the City. This will be presented to the Planning Board and then to the Council for approval. Community Development Director Seth Piccirillo said this will be an investment for the neighborhood on 3rd St. and a positive growth for the area.

Chairman Touma asked about the sale of homes for the Community Development Home Ownership Program (Agenda Item #8), and Mr. Piccirillo said the next step will be executing the sale.

Corporation Counsel Craig Johnson distributed copies of 2 items to be added to the Agenda.

1. A Communication to be added to the Agenda for the approval of Change Order #1 in the contract for acoustic and electric upgrades to LaSalle Library to Walter S. Johnson Bldg.

Council Member Walker moved to add the Communication to the Agenda
Council Member Grandinetti seconded the motion.

Yeas	5
Nays	0

Motion to add the Communication to the Agenda Approved
The Communication was added to the Agenda as #17

2. A Resolution to be added to Agenda relative to Honoring Ada Lucille Williams on her 92nd Birthday.

Council Member Walker moved to add the Communication to the Agenda
Council Member Grandinetti seconded the motion

Yeas	5
Nays	0

Motion to add the Communication to the Agenda Approved
The Communication was added to the Agenda as #18

Council Member Walker spoke on the Train Station Project (Agenda Item #4), and asked if the City has a Management Plan and a cost for this. Acting Planning Director Thomas DeSantis said the City has a prorated lease term with Amtrak, but not a firm number as of yet. City Controller Brown asked Mr. DeSantis about getting a Budget, which will go to Council for approval. Council Member Grandinetti asked what date the Station will be open and Mr. DeSantis said it will be the end of May. Economic Development Department will be responsible for the retailers at the Train Station. A brief discussion followed between the Council and Mr. DeSantis.

Council Member Scott spoke about the purchase of concrete (Agenda Item #2) and asked we going to exceed the contract cost and what Department will handle this purchase. Civil Director Engineer Robert Buzzelli said it will be DPW.

Mayor Dyster spoke on funding the Niagara Military Affairs Council (Agenda Item #14), and said that this is not the full amount of funding, but a continuation of funding. Council Member Tompkins asked if other municipalities contribute to this, and Mayor Dyster said John Cooper should be asked this question.

This Session ended at 6:50 PM.

Chairman Touma reconvened the Meeting at 7:10 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Scott 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:

Robert Ventry	Agenda Items #3, #9, #10, #11, #12
Ron Anderluh	Federal Govt. to take Seizure Program out of the hands of the Police Dept.; Lockport Rd. & 24th St. repairs; comment on recent event at the LaSalle Library; OSC-21 doing a great job; heard about the County Courthouse moving to Lockport
Bob Pascoal	Police cars; Mayor's Task Force
Michael Henderson	Recycling; Xmas trees not recyclable, needs to be rectified

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPOFRT FOR THE MONTH OF DECEMBER 2015
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: CONCRETE, LAFARGE NORTH AMERICA

Agenda Item #2

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

TO: LaFarge North America
75 Pineview Drive
Amherst, NY 14228

FOR: Concrete as described on the attached tally sheet (on file in the City Clerk's Office).

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to two (2) vendors. Two (2) bids were received. After reviewing each bid we determined that LaFarge submitted the lowest overall bid as shown on the attached tally sheet.

Funds for this expenditure are included in the DPW Construction and Repair account code A.5110.0200.0419.006.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

CONTRACT: LOCKPORT ST, RECONSTRUCTION, ENGINEERING SERVICES CONTRACT SCOPE ADJUSTMENT, URBAN ENGINEERS OF NEW YORK, PC

Agenda Item #3

The City Council previously approved resolutions and appropriated funding, which is federally reimbursable, for the above referenced project that was awarded to Urban Engineers of New York, PC on June 11, 2007.

Before completing the final design for this project, the construction funding was withdrawn by the NYSDOT and replaced with a reduced amount. The result is a change in design from a complete road reconstruction to a mill & overlay preservation project. This Change Order is for Additional Consultant Services related to a required change in the 'scope of work' for that new preservation project.

After preliminary design is approved additional Final Design and Construction Inspection matching monies will be added to this contract. Please note that all work is Federal eligible at 80% and State matching Marchiselli funds at 15%.

It is the recommendation of the undersigned that Change Order #3 be approved in the amount of $200,000.00 increasing the total contract total to $853,221.00. Funding is available in Code H0633.2006.0633.0449.599 and in a 2010 road reconstruction Bond Resolution.

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

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

Yeas	5
Nays	0
	APPROVED

Chairman Touma said this is great about the reconstruction of Lockport St. and this is 95% reimbursable.

CONTRACT: TRAIN STATION/TRANSPORTATION CTR. PROJECT, SCRUFARI CONSTRUCTION COMPANY INC.

Agenda Item #4

A contract for the above referenced project was awarded to Scrufari Construction Company Inc., 4800 Hyde Park Blvd. 3925 Hyde Park Blvd., Niagara Falls, NY, on April 14, 2014 in an amount of $22,691,000.00.

The City Council has approved Change Orders request to date in the amount of $ 1,002,469.20 bringing the total contract amount to $23,693,469.20.

This Change Order covers various contract changes from July 1, 2015 to January 15, 2016 and is composed of two separate scopes that have been reviewed by the City's consultant Wendel and the Engineering Department.

First, the project required various revisions to the original 'scope of work' for unanticipated and necessary work that involved structural, mechanical, signage and interior modifications. Second, there is a need to secure additional Railroad protection as required by contract to meet the anticipated Railroad construction impacts estimated till April 2016.

Funding for Change Order #5 is a transfer of funds from the "Owners" additional construction contingency budget (within the existing project budget) to the Contractor's budget. The Owner's contingency fund includes matching Federal, State and City's local-share funding (20% matching funds) already approved by City Council and available in a Capital Project Fund HO402, for the Railway Station.

Therefore, it is the recommendation of the undersigned that Change Order #2 in the amount of $200,503.64 be approved; bringing the new contract total to $23,893,972.84 sufficient funds presently exist in Code H0402.

Will the council vote to so approve?

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

Yeas	5
Nays	0
	APPROVED

POLICE DEPARTMENT: STOP VIOLENCE AGAINST WOMEN GRANT AWARD

Agenda Item #5

The Superintendent of Police advises that the Niagara Falls Police Department has been awarded a 2015 Stop Violence Against Women grant award for the period of time January 1, 2016 to December 31, 2016. This grant is in the amount of $66,750.00.

Will the Council approve the acceptance of this grant and authorize the Mayor to execute any documents in order to accept the grant provided those documents are in such form as is acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

Chairman Touma said this is a great initiative & the Police Dept. drafts a lot of Grants.

CONTRACT: ICE PAVILION, PHASE IV, REPLACEMENT OF ICE FLOOR, UNDER SLAB PIPING & SYSTEMS/DASHER BOARDS, DIDONATO ASSOCIATES, P.E.

Agenda Item #6

A contract for the above reference project was awarded to DiDonato Associates, P.E. of Buffalo on July 21, 2014 for professional services and design related tasks in the amount of $175,000. 00. This amount was later increased to accommodate the performance of construction inspection and various testing tasks required throughout the construction phase of the project; eventually reaching the current total of $304,876.00.

During construction it became evident that additional unforeseen construction changes that required engineering tasks not included in the consultant’s original scope of work. These additional engineering tasks are as listed:

- Design of new collar ties and bleacher screen wall associated with the GC Contract.
- The Brine Pumps and valve replacement, ammonia feed valve, control system troubleshooting, brine flow switch and controller, 60 HP Brine pump repairs, Trench Drain Work, collar tie grading work and existing underground wiring and conduit replacement for 30 hp pumps all associated with the Ice Rink Contract.

During construction, City engineering staff augmented the construction inspection to the point where existing funds remain in the consultant’s C.I. portion of their contract that can be shifted from (C.I.) inspection to design, with no increase to our contract total, resulting in a ($0.00) Change Order.

To that end please allow this zero dollar Change Order #2, request to facilitate the payment of $13,170.00 to DiDonato Associates P.E. for additional design and mechanical engineering. Existing funding is available through the original Bond Resolution approved by City Council for this project.

Will the council vote to so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: OSC-21, SCHOOL DISTRICT, FUNDING

Agenda Item #7

The 2016 Budget contains an appropriation in the amount of $10,000.00 to the School District to assist in funding the operation of the OSC-21, public access channel ("OSC"). In order to effectuate this, an appropriation agreement with the School District is required.

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

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

Yeas 5
Nays 0
APPROVED

Council Member Tompkins said we have wonderful organizations but in the future they need to find other sources for funding. The City's income is getting smaller & smaller.

Chairman Touma said there is a franchise fee from the Cable Commission and that money is put back into the School District for use by OSC-21.

CITY PROPERTY: 417 ELMWOOD AVE & 2723 LASALLE AVE., COMMUNITY DEVELOPMENT DEPT., HOME OWNERSHIP AUCTION

Agenda Item #8

The Niagara Falls Community Development Department (CD) requests Niagara Falls City Council approval for the sale of 417 Elmwood Avenue and 2723 Lasalle Avenue. The Niagara Falls Planning Board unanimously recommended the sale of both parcels at its January 11, 2016 meeting (on file in the City Clerk's Office).

CD conducted a Home Ownership Auction on May 21, 2015 for seven properties with the following stipulations:

-Successful bidders must agree to own and live in the home as prime occupant for no less than five years and pay all applicable property taxes.

-Successful bidders must submit a renovation plan, designating work to be completed by the owner and/or contractors, as well as possess the financial ability to execute the renovation prior to completing the sale agreement with the City of Niagara Falls.

-If the above terms are not met after the purchase of the property, ownership will revert back to the City of Niagara Falls.

The successful bidders for 417 Elmwood Avenue and 2723 Lasalle Avenue have met CD staff, reviewed the code enforcement violation report and created renovation plans for the respective properties. Therefore, CD requests sale approval to the following bidders:

Address: 417 Elmwood Avenue
Purchaser: Barrett Jackson
Price: $6,300

Address: 2723 Lasalle Avenue
Purchaser: Renee Mathews
Price: $18,000

Chairman Touma commended Council Member Walker on this initiative and gave thanks to Community Development Director Seth Piccirillo,

Will Council vote to approve the sale of these properties and find that the best interest of the City shall be subserved by dispensing with a sale at public auction and authorize the Mayor to execute deeds and other related documents?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: NIAGARA ARTS AND CULTURAL CENTER, FUNDING

Agenda Item #9

The 2016 Budget contains an appropriation in the amount of $30,000.00 for the NACC. In order to effectuate this, an appropriation agreement with the NACC is required. Funding is available from Tourism Fund Balance.

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

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

Yeas 5
Nays 0
APPROVED

Council Member Walker said they should seek funding from outside sources and the City needs to support the non-for-profit organizations.
Chairman Touma said this facility enriches the lives of many in the City.

CONTRACT: NIAGARA FALLS BLOCK CLUB COUNCIL, FUNDING

Agenda Item #10

The 2016 Budget contains an appropriation in the amount of $10,000.00 for the Council. In order to effectuate this, an appropriation agreement with the Council is required.

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: NIAGARA FALLS BEAUTIFICATION COMMISSION, FUNDING

Agenda Item #11

The 2016 Budget contains an appropriation in the amount of $10,000.00 for the NBC. In order to effectuate this, an appropriation agreement with NBC is required. Funding is available from Tourism Fund Balance

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

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

Yeas 5
Nays 0
APPROVED

POLICE DEPT.: LICENSE PLATE READER TECHNOLOGY, RENEWING, FUNDING

Agenda Item #12

The Superintendent of Police advises that it is necessary to renew its license plate reader technology service for a three (3) year term. The cost to do this over the three (3) year period of time is $33,000.00. Attached hereto (on file in the City Clerk's Office) is a copy of the quote. The City Controller advises that these funds are available from budgeted sources.

Will the Council so approve and authorize the Mayor to execute any documents that may be required in connection with this service?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: NIAGARA COMMUNITY ACTION PROGRAM, INC., FUNDING

Agenda Item #13

The 2016 Budget contains an appropriation in the amount of $27,500.00 for the Niagara Community Action Program Inc. so that it may continue to provide assistance to qualified City residents during fiscal year 2016. This will require that the City enter into a Funding Agreement with this entity.

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

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

Yeas 4
Grandinetti, Scott, Tompkins, Chairman Touma
Nays 0
Abstain
Walker

APPROVED

Chairman Touma said this Program provides emergency assistance for residents.

CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #14

The 2016 Budget contains an appropriation in the amount of $2,500.00 for the NIMAC. In order to effectuate this, a funding agreement with NIMAC is required.

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

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said NIMAC advocates for a base that employs the most people in the County. This affects a lot of people in their jobs and livelihood. We need to keep this in our County.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

IN REM AUCTION BIDS, APPROVAL

Agenda Item #15

Attached (on file in the City Clerk's Office) is the list of bids from the December 14, 2015 auction.

With respect to Schedule A properties, Ward 04, Pro 1192; Ward 04, Pro 1193; Ward 05, Pro 4110; Ward 09, Pro 2711; Ward 09, Pro 3014; Ward 10, Pro 0160; Ward 10, Pro 1451; Ward 10, Pro 1456; Ward 10, Pro 1457 and Ward 12, Pro 1576, we recommend approval of the bids subject to payment of any delinquent taxes on other properties within 30 days. If the taxes are not paid by that time the bids are rejected and deposits and auctioneer fees forfeited pursuant to the Terms of Sale.

With respect to Schedule A properties, Ward 05, Pro 1607; Ward 09, Pro 2797; Ward 12, Pro 1576 and Ward 12, Pro 4332, the bidders have outstanding housing inspection violations and we recommend that the bids be rejected and the deposit forfeited in accordance with the Terms of Sale.

With regard to Schedule A, we recommend that the bids for Ward 05, Pro 1698; Ward 09, Pro 0325 and Ward 14, Pro 6806 be rejected and the bid deposit and auctioneer's fee returned to the bidder.

With the exception of the above, we recommend that the bids for Schedule A properties be approved. The bids for Schedules B and C properties do not require Council approval and are submitted for your information. (Ward 13, Pro 3405 and Ward 14, Pro 3308 are being rejected and the deposit forfeited. Ward 12, Pro 3859 is being rejected and the deposit and auctioneer's fee refunded.)

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

Yeas	5
Nays	0
	APPROVED

CITY PROPERTY: 1987 EASEMENT EXTINGUISHED, SHERATON HOTEL

Agenda Item #16

In 1987, in connection with the construction of the old Parking Ramp 1, the Niagara Falls Urban Renewal Agency ("NFURA") granted to the City an easement on the "service road" that is located between the ramp (now parking lot) and the hotel. The easement also includes a strip of land on the west side of Third Street along the sidewalk in front of the hotel (now the Sheraton). A copy of the easement is attached (on file in the City Clerk's Office) for your reference.

The City is in the process of selling a portion of the service road to the owner of the Sheraton for construction of an indoor water park. The City is also in the process of dedicating the remaining portion of the property covered by the easement as a public right-of-way.

The easement parcel was later conveyed to the City by the NFURA. The easement may have been extinguished on the conveyance by the legal doctrine of "merger", which holds that when a benefitted party obtains title to an easement parcel, the easement is extinguished.

In order to be clear that there are no remaining rights held by the City or the public over the parcel to be conveyed to the owner of the Sheraton, the Purchaser, in the contract of sale, has required that the easement be extinguished formally. The NFURA will be asked to take similar action at its next meeting.

In any event, it is appropriate for the City Council to acknowledge formally that the easement is extinguished. Will the City Council vote to extinguish the 1987 easement and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

Chairman Touma said the City is in the process of selling a portion to the Sheraton. They are building a Water Park and the Sheraton said the Park will be up very quickly.

CONTRACT: LASALLE LIBRARY, ACOUSTIC/ELECTRIC UPGRADES, WALTER S. JOHNSON BLDG. CO.

Agenda Item #17

A contract for the above referenced project was awarded to Walter S. Johnson Bldg. Co. Inc., 6638 Mooradian Drive, Niagara Falls, NY, on September 21, 2015 in an amount of $44,750.00.

The City received a New York State Economic Development Assistance Program ("NYS EDAP") Grant, up to the amount of $100,000.00. Bids for this project came in well below the Grant amount which allowed the Library to add additional "Acoustic Upgrades".

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount not to exceed $50,000.00 be approved. Funding is 100% reimbursable through a grant from "NYS EDAP" –Project ID# 4813.

Will the council vote to so approve?

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

Yeas 5
Nays 0
APPROVED

Council Member Grandinetti seconded the Item to be added to the Agenda.

RESOLUTION: WILLIAMS, ADA LUCILLE, 92ND BIRTHDAY CELEBRATION, 2016-16
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, Ada Lucille Williams was born on February 29, 1924 in Vicksburg, Mississippi, to proud parents, Robert and Flora (Bass) Williams; and

WHEREAS, Ada Lucille Williams married James Louis Williams (deceased) on September 2, 1942. They had nine (9) children. She is the proud grandmother of nineteen (19) grandchildren, fourteen (14) great-grandchildren and five (5) great-great grandchildren. James and Lucille migrated from Vicksburg to Niagara Falls, New York in March of 1948. She joined New Hope Baptist Church where she participated in the missionary society and other church auxiliaries. She is a founding member of the Mt. Zion Missionary Baptist Church; and

WHEREAS, Ada Lucille Williams raised and nurtured not only her own children, but her grandchildren, her relatives and others in the community. Ma Williams, as she is affectionately known as, enjoyed babysitting for her neighbors. She also found time to participate in the March of Dimes and Muscular Dystrophy campaigns. She was also active in the Center Avenue Parent Teachers Association and enrolled in its enrichment courses; and

WHEREAS, the Willams home served as an "oasis" for those migrating from the South in search of a better quality of life. She and her husband nurtured and sheltered several relatives and others from the South, until they were capable of providing for themselves. Their home was one where people could stop by for a meal or friendly counsel; and

WHEREAS, it is her culinary skills, child care capabilities and her encouraging spirit that has made her home a magnet for which many are drawn to.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, does hereby celebrate a true black pioneer. Ada Lucille Williams is a virtuous woman, a professional homemaker, a positive role model, counselor and friend. We wish her a Happy 92nd Birthday and hope that she is blessed to see many more.

Yeas	5
Nays	0
	ADOPTED

Council Member Grandinetti seconded the Item to be added to the Agenda.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:40 P.M.

Carol A. Antonucci
City Clerk

The first session of the February 8, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:06 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Council Member Walker moved to approve the Minutes from the Organizational Council Meeting of January 1, 2016 and the Council Meetings of January 11 and January 25, 2016.

Yeas	5
Nays	0
	APPROVED

Community Development Director Seth Piccirillo spoke on the 2016 Home Ownership Auction. He said that this will be the third Home Ownership Auction and the largest so far. He spoke on the guidelines for the Program, and informational sessions that would be held for those interested in bidding at the Auction.

In the Administrative Update:

1. Mayor Paul Dyster said that Elaine Timm is the new City Historian, and he thanked Michele Kraats, Chris Stoianoff and Paul Gromosiak for their offers to assist her.
2. Mayor Dyster also reported that interviews are being conducted for the position of City Engineer.
3. City Administrator Donna Owens informed the Council Members that an update on the parking meters and the City's website development would be given at the February 22 Council Meeting. Also, the Mayor's State of the City Address will be held at the Conference Center on Thursday, February 25 at 6 PM.

Chairman Touma questioned the amount for the renewal of the Engineering Consulting Agreement with Clark Patterson Lee (Agenda Item #5), and asked if the amount could be reduced in anticipation of the hiring of a City Engineer. Mayor Dyster explained the process for hiring a Consultant for the City is such that the Consulting firm is changed every 4 or 5 years in order to give different firms the opportunity for the City's business. Council Member Scott inquired about the amount of overtime used in the Engineering Department, and Council Member Tompkins asked for a report showing the amount paid to the consultant on a monthly basis during 2015. Civil Engineer Robert Buzzelli said that he felt that $50,000 would be adequate to cover the consultant's fees for 2016, in addition to the $25,000 that is already in a budgeted line for the consultant. Mayor Dyster agreed to reduce the amount for the Consultant Services Agreement from $94,000 to $50,000.

Council Member Walker moved to amend Agenda Item #5 to show the amount as $50,000.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

Deputy Corporation Counsel Chris Mazur explained the amendments to Chapter 171 of the Codified Ordinances entitled "Administrative Ordinances" (Agenda Item #13).

Mayor Dyster thanked Mr. Mazur for his "laymen's terms" explanation.

Sherry-Shepherd-Corulli asked that the Council extend her Agreement for Grant Writing Services (Agenda Item #6), and noted that she had administered approximately $10.5 Million Dollars in Grants for the City. Mayor Dyster added that she has done a great job.

Chairman Touma reported that the Council's Executive Assistant had been able to make contact with a person in Canada regarding the noise issue in the DeVeaux area made by helicopters, and a meeting would be set up to discuss the issue.

Chairman Touma also reported that he had spoken to a person in Cooperstown regarding parking issues and their use of parking meters, and he would share the information with City Administrator Donna Owens.

Council Member Scott had questions about the Construction Agreement with CSX (Agenda Item #3) and his questions were answered by Acting Director of Planning/Economic Development Thomas DeSantis and Sr. Project Designer Michael DeSantis.

City Controller Maria Brown spoke on closing out 2015, and noted that bed tax was down slightly, the ramps and surface lots did well, and the Golf Course is still not self-sustaining.

Mayor Dyster thanked the Council Members for their support for NIMAC.

This Session ended at 6:15 PM

Chairman Touma reconvened the Meeting at 6:35 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Tompkins 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, #9, #10
Diane Tattersall	Work session was good and informative; condition of Portage Rd. between Ferry and Niagara Aves.
Mary Lawton	Agenda Items #9, #10, #13
Bob Belton	Availability of variance report
Ken Hamilton	Agenda Items #10, #12
Ron Anderluh	Thanked Chairman Touma for obtaining information from other municipalities on Parking Meters; Parking revenues; meters need to be installed ASAP
Dan Davis	Development of Cultural District
Carol Hamm	Oppose to Agenda Item #12
Ken Hamilton	Need for City sponsored Youth/Community Center possibility at the Duke Center; thanks to Council Member Grandinetti for help in naming City Streets after African Americans; Placement of statue in traffic circle is safety issue; Safety issue on street at Main Post Office; Unsafe parking at Norlock Park

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF JANUARY 2016

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: LASALLE LIBRARY HISTORIC SIDE DOOR REPLACEMENT, SICOLI CONSTRUCTION SERVICES, INC.

Agenda Item #2

A contract for the above referenced project was awarded to Sicoli Construction Services Inc., 4800 Hyde Park Blvd., Niagara Falls, NY, on September 15, 2015 in an amount of $16,800.00.

The front entrance door hardware does not worked properly and prevents unlocking and entry into the building. The Contractor will change out the existing door hardware under this contract which will allow the City to be reimbursed 50% of the cost under the New York State Library Public Grant Program No. 0386-15-5720.

The total cost of all the additional work is $546.00 bring the contract total to $17,346.00

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $546.00 be approved. Sufficient matching funds were approved by City Council at its June 23, 2014 meeting.

Will the council vote to so approve?

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

Yeas 4
Grandinetti, Scott, Tompkins, Walker
Nays 1
Chairman Touma

APPROVED

Chairman Touma said the door lock has been an issue since installation and he doesn't think the City should be responsible for fixing it.

CONTRACT: CSX TRANSPORTATION, INC., CONSTRUCTION AGREEMENT AMENDMENT

Agenda Item #3

In 2008 the City entered into a Construction Agreement with CSX Transportation, Inc. regarding rail work related to the reconstruction of the rail bridges over Main Street and the new Amtrak passenger station.

Attached (on file in the City Clerk's Office)is a proposed first amendment to this agreement related to work to finalize the rail connections between the rail work done by City contractors and the CSX rail system.

Funding for this is included in the project budget for the train station project.

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

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

Yeas 5
Nays 0

APPROVED

MIS DEPARTMENT: TEMPORARY PAYROLL LINE, FUNDING

Agenda Item #4

The Director of the MIS Department is requesting that the sum of $2,692.00 (inclusive of FICA) be transferred from the Department's Consultant line to the Department's Temporary Payroll line. This will permit the Department to hire a temporary employee to process the Niagara County Tax bills as well as accomplish internal training of personnel.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: ENGINEERING CONSULTING SERVICES AGREEMENT, RENEWAL, CLARK PATTERSON LEE

Agenda Item #5

The City is in the process of attempting to recruit a full-time City Engineer. While the recruitment process has commenced, the process has not yet resulted in the City hiring a full-time City Engineer. Therefore, it is recommended that the City continue to use CPL as needed. Assuming the City is successful in recruiting and hiring a full-time City Engineer, it is anticipated that the services of CPL will continue to be needed on occasion during the transition period.

Attached hereto (ON FILE IN THE City Clerk's Office) is a copy of the CPL Consulting Services Agreement which details the scope of work and rate schedule which calls for a "not to exceed" fee of $50,000.00.

Funding at this time is available from the Engineering Department biweekly budget line as well as its Consultant budget line.

Will the Council so approve and authorize the Mayor to execute any documents required to effectuate this consulting services agreement which will be in form and content acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

Amendment is to change the amount to $50,000.00
Chairman Touma thanked the Mayor for agreeing to reduce the amount.

CONTRACT: GRANT WRITING SERVICES

Agenda Item #6

The last few years, inclusive of year 2015, the City entered into a non-exclusive Consulting Agreement with an individual to provide grant writing and grant administration services to the City. This arrangement has proven very beneficial to the City. It is recommended that for calendar year 2016 the City extend the 2015 agreement with that same individual to provide those services. All terms and conditions are the same. Attached (on file in the City Clerk's Office) is a copy of the 2015 agreement together with a communication from the consultant requesting an extension. The fee for those services is not to exceed $35,000.00. Funding is available from the 2016 adopted budget.

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

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

Yeas 5
Nays 0
APPROVED

CITY CONTROLLER: BILLING AND COLLECTION DEPARTMENT: REORGANIZATION

Agenda Item #7

The City Controller is requesting that an unfilled Billing and Collection Clerk Position be changed to the title "Finance Clerk". This title already exists. The salary is the same and is a Grade 7 classification as is the unfilled Billing and Collection Clerk position.

When this position is filled, the change in title will allow the person serving as Finance Clerk to work in Parking Violations as well as in the Finance Department in addition to the Billing and Collection Division. It will provide more flexibility depending upon which divisions of the Controller's Office are the busiest. This will also assist in the City Controller's initiative to cross-train employees as needed.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: RETIREE GROUP HEALTH BENEFITS PROGRAM, BPAS

Agenda Item #8

The City Controller is recommending that the City retain the services of BPAS to perform actuarial services required pertaining to the City's retiree group health benefits program. There are two Service Agreements in connection with this matter. The first will allow BPAS to provide interim actuarial valuation services for year ending December 31, 2015 as described in the fee schedule for an agreed upon fee of $2,000.00 while the other agreement will allow BPAS to perform actuarial valuation services for the fiscal year ending December 31, 2016. Attached (on file in the City Clerk's Office) is the fee schedule for these services which shows a fee due of $8,200.00 for a total one year period. The total fees to be paid to BPAS are $10,200.00

Funding is available in the City Controller's budget. Attached (on file in the City Clerk's Office) hereto are copies of both Service Agreements.

Will the Council so approve and authorize the Mayor to execute the service agreements provided the same are acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

BENEFITS OF EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS, ORDINANCE AMENDMENT, MAYOR'S APPROVAL

Agenda Item #9

Please be advised that, Mayor Paul A. Dyster, on January 26, 2016, duly approved the following:

Resolution 2016-4, relative to amending Chapter 171.01 of the Codified Ordinances entitled "Benefits of Employees not covered by Collective Bargaining Agreements."

THIS ITEM WAS RECEIVED AND FILED

BENEFITS OF EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS, CONSIDERATION OF MAYOR'S VETO

Agenda Item #10

Please be advised that Mayor Paul A. Dyster, on January 26, 2016, Vetoed the above mentioned Resolution.

Shall the Council consider the override of the Mayor's Veto of Resolution 2016-5, relative to amending Chapter 171, Section .05a Health Insurance entitled "Benefits of Employees not Covered by Collective Bargaining Agreements"? (attachments on file in the City Clerk's Office)

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

Yeas 3
Grandinetti, Tompkins, Touma
Nays 2
Scott, Walker

MAYOR'S VETO IS SUSTAINED

Council Member Grandinetti said this is a Council decision and it is not within the Mayor's purview to act on this.
Council Member Scott suggested looking into eliminating or reducing the Opt Out amount for elective officials.
Council Member Tompkins said that while he sponsored this change, he was forced to take the insurance by circumstances beyond his control.
Council Member Walker said an incentive is needed to attract the best and brightest for Public Office and if this is made available to him it should also be made available to those who serve after him.
Chairman Touma said we need to bring awareness to the costs for health care and look for long term savings for the taxpayers. The Mayor negotiates with the Unions and this should be looked at. He does not believe that taking away this benefit will deter future candidates for office.

RESOLUTION: SCHOOL BOARD ELECTION, POLLING PLACES, 2016-17
BY: ALL COUNCIL MEMBERS

Agenda Item #11

WHEREAS, the annual Niagara Falls City School District election will be held on Tuesday, May 17, 2016; and

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

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

Yeas 5
Nays 0

ADOPTED

RESOLUTION: NELSON, KAREN J., HONORING
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #12
THIS ITEM WAS PULLED FROM THE AGENDA.
THERE WAS NO ACTION TAKEN ON THIS ITEM.

RESOLUTION: ADMINISTRATIVE ORDINANCES, ORDINANCE AMENDMENT, 2016-18
BY: MAYOR PAUL A. DYSTER

Agenda Item #13

Please find the attached proposal which seeks to amend Chapter 171 of the City's Codified Ordinances concerning exempt employees. The first proposed change, found in Chapter 171.09(c), concerns the eligibility for health and dental insurance benefits by employees meeting the requisite age and years of service requirement upon separation of service with the City. The use of the word "separation" in the proposed amendment will provide for clarity and continuity in interpretation as this word is utilized in other sections of the exempt ordinance (particularly Chapter 171.05 (d)).

The proposed amendment of Chapter 171.12, dealing with severance pay, is necessary to close the loophole where employees who were receiving the recruitment incentive (provided for in Chapter 171.13) were utilizing it in order to meet the eligibility for unemployment benefits while also receiving severance pay upon separation from the City. The amendment will prevent employees from utilizing the recruitment incentive as a way to secure eligibility for unemployment benefits.

Lastly, the administration proposes amendments to Chapter 171.13(b) and (c), dealing with recruitment incentives. The proposed amendment to Chapter 171.13(b) would include individuals hired for director level positions, thereby expanding the definition of those employees eligible to receive recruitment incentives. This extension of the recruitment incentive will allow the City to continue to entice executive level talent for positions with the City. The proposed change to Chapter 171.13(c) is nothing more than a simple grammatical change.

Will the Council so approve?

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 171 of the Codified Ordinances entitled "Administrative Ordinances" is hereby amended by amending Sections 171.09, 171.12 and 171.13 to read as follows:

171.09 [RETIREMENT] SEPARATION FROM SERVICE.

• • •

c. Upon [retirement] separation, the City will continue to pay for the health and dental insurance provided in Section 171.05(a) that the employee was receiving on the date of [retirement] separation where the employee's years of service plus age equals seventy (70); however, employees commencing employment with the City after October 2, 2007 must also have a minimum of ten (10) years of employment with the City in order to be eligible for continuing health and dental insurance benefits upon [retirement] separation.

• • •

171.12 SEVERANCE PAY

• • •

d. Payment of City severance pay will only be made when the terminated employee demonstrates that a claim for New York State Unemployment Insurance has been denied on the basis that the services of said employee fall within the exclusion set forth within subdivision (2)(e) of Section 565 of the New York State Labor Law. Employees with over ten (10) years of actual, continuous service with the City [or a similar benefit conferred pursuant to Section 171.13 (b)], specifically excluding any benefit conferred pursuant to Section 171.13 (b) below, are exempted from the requirements of this subsection.

171.13 RECRUITMENT INCENTIVES.

• • •

b.A person hired as a department head or director may, at the discretion of the City Administrator or a person hired as City Administrator may, at the discretion of the Mayor, be granted fringe benefits and rights which take into account the person's previous professional experience, the years of experience as specified in the applicable job description and as necessary to recruit desired candidates for the position; however, such credit for fringe benefits and rights shall not exceed a level consistent with a 10 year employee as prescribed under this chapter. After initial appointment, all rights and benefit levels will be deemed cumulative as they relate to any subsequent yearly accruals and benefits as defined in sections 171.02, 171.05 (b) and 171.12 above. Notwithstanding the above, the initial granting of sick leave by the City Administrator shall not exceed ten (10) days.

The City Administrator or Mayor shall provide notice to the Human Resources department in writing of such determination.

c.All other such employees may, at the discretion of the City Administrator, be granted up to two (2) week's vacation and/or ten (10) days sick leave, during his/her first year of employment. Subsequent yearly accruals will be administered according to sections 171.02 and 171.04. The City Administrator shall provide notice **to** the Human Resources department in writing of such determination.

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 Touma adjourned the Meeting at 7:20 P.M.

Carol A. Antonucci
City Clerk

The first session of the February 22, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:07 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Council Member Walker moved to approve the Minutes from the Council Meeting of February 8, 2016.

Yeas	5
Nays	0
	APPROVED

In honor of Black History Month, two students from the LaSalle Prep School National Jr. Honor Society read their essays on "What Freedom Means To Me", and the Council Members presented City of Niagara Falls pins to them.

RESOLUTION: THOMAS, WADE, REVEREND, HONORING, 2016-19
BY: ALL COUNCIL MEMBERS

Agenda Item #30

WHEREAS, Reverend Wade Thomas was born in Montgomery Alabama on November 11, 1924. He was the youngest son and fifth child born to Rayfield and Mary Thomas; and

WHEREAS, in 1947, Mr. Thomas moved to the city of Niagara Falls after his marriage to the former Miss Lola Mae Paige, they were blessed with two children. First born was a daughter named Ms. Juliette M. Thomas and later a son, Nelson W. Thomas; and

WHEREAS, Reverend Wade Thomas served in the United States Army from 1942 to 1945, his service helped protect the City of Niagara Falls and the whole United States of America; and

WHEREAS, Reverend Wade Thomas was ordained into ministry in 1955 by Pastor William White, Sr. of the Bethesda Full Gospel Church in Tonawanda, New York; and

WHEREAS, in the fall of 1957, through prayer and the study of god's word, became the roots of "Bethlehem Revival Temple;" Reverend Wade Thomas, Mother Lola Thomas, Deacon Joseph Bowns, and Sister Nazzie Ree Bowns. The group matured and eventually moved from the homes to the basement edifice that was located at 1912 Maryland Avenue, Niagara Falls, New York; and

WHEREAS, the group continued to grow and the first church building was built May 17, 1963, at 2010 Virginia Avenue, Niagara Falls, New York. As the lord added to the congregation, Reverend Thomas was lead to add an additional church building, built in 1975 at this location. The "Church in the Basement" was becoming more visible as he stayed true to his mandate; and

WHEREAS, throughout his ministry, Reverend Wade Thomas became the first African American to broadcast in this area. The radio and television broadcast was called "Good News". Reverend Thomas was also the founder of a quartette group called *The Songs of Joy*, and

WHEREAS, Reverend Thomas was a member of the Ministerial Council of Niagara Falls, New York. Reverend Thomas helped out with many youths in the community.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby honor the memory of Reverend Wade Thomas and his many contributions to our great city through his ministerial work.

BE IT FURTHER RESOLVED, that signs saying "Reverend Wade Thomas Way" be placed underneath the street signs at Virginia Avenue & 20th Street and Hyde Park Boulevard & Virginia Avenue, in honor of Reverend Wade Thomas.

Yeas	5
Nays	0
	ADOPTED

Council Member Scott read the Resolution, and the Council Members presented a copy to Rev. Thomas' family members who were present, and the family thanked the Council for honoring Rev. Thomas.

Fire Chief Tom Colangelo and Superintendent of Police Bryan DalPorto spoke on the number of recent fires that were set in garbage totes in alleyways. They said that the matter is being investigated, and those involved will be prosecuted. They asked that residents be mindful of placing the totes too close to their houses/garages.

Acting Director of Planning and Economic Development Thomas DeSantis introduced Sara Capen, Executive Director of the Niagara Falls National Heritage Area. She spoke on the Underground Railroad Interpretive Center, exhibits at the Center and other sites, and related activities, including the Hop On/Hop Off Shuttle which will run between several sites in the City and surrounding areas. Council Member Grandinetti asked that Ms. Capen return in the Fall to give the Council an update.

Community Development Director Seth Piccirillo reported that the sale of the former South Jr. Building has been completed, and the Niagara City Loft Project will move forward. The Project will generate taxes for the City, and be done by local union laborers being paid prevailing wages. He also spoke on the purchase of various properties on Fourth Street by the City (Agenda Item #8), and gave a presentation on their development for use. The development of the properties will include lighting, landscaping and fencing in the area.

Mr. Piccirillo and Mayor Paul Dyster also spoke on the acquisition of the Main Street and Third Street properties that were formerly owned by Dr. Mehta (Agenda Item #7). Director of Business Development Anthony Vilardo added that the properties where scheduled for demolition, but an RFP will be prepared for the development of the properties, either individually or as a whole parcel. Mr. Vilardo thanked Corporation Counsel Craig Johnson for his work in acquiring these properties as part of the Plea Deal for Dr. Mehta.

Mayor Dyster noted that the above Presentations were on Projects that were a positive addition for the City, and thanked MIS Director Joseph Morock and his staff for their work in setting up the monitors and related equipment for Presentations in the Council Chambers.

Mayor Dyster introduced Elaine Timm, the new City Historian, and she said she is excited to begin her work.

City Administrator Donna Owens announced that the Mayor's State of the City Address will be held at the Conference Center on Thursday, February 25, at 6 PM, and invited all to attend.

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

1. An Amendment to Agenda Item #5, relative to funding for the development of a new City Website.

Council Member Grandinetti moved to amend the Item by changing the source of funding.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

2. An Amendment to Agenda Item #8, relative to the sale of 428, 432, 446, 460 and 462 Fourth Street.

Council Member Grandinetti moved to amend the Item by adding the recommendations of the Planning Board.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

3. An Amendment to Agenda Item #25, relative to approval of actions relative to the In Rem Properties.

Council Member Grandinetti moved to amend the Item by including a property on Garden Avenue on the list.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

4. A Resolution relative to proclaiming March 2016 as "Colorectal Cancer Awareness Month"

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 #31.

Council Member Walker asked about the status of the new phone system, and Purchasing Director Johnny Destino responded that the hardware is being programmed, and should be delivered in a day or so.

The Council Members had several questions on Agenda Item #2, relative to on-street parking meter installations. The main concern was that there was no Plan in place for the collection and distribution of revenue from the meters, and staff requirements for servicing the meters. Mayor Dyster responded that these issues would be addressed "in house" in the beginning, and that the net revenue was more important that the gross revenue received. Council Member Grandinetti suggested bringing in an outside company to run the program for the first year just to get the system up and running. Council Member Tompkins said that all costs need to be included, and he needs more information before voting to approve this. Mayor Dyster said that the Agenda Item only covers the purchase of the system, and City Controller Maria Brown added that the funds had been set aside previously. She also suggested that expenses should be calculated before the parking rates are set. Chairman Touma noted that other Cities have done oversight of their parking systems "in house".

Council Member Scott said that a Plan needs to be put in place for the remaining Casino Funds.

Council Member Grandinetti asked the City Administrator to provide an update at another Council Meeting on the City's application to the State of New York Financial Restructuring Board.

This Session ended at 6:50 PM

Chairman Touma reconvened the Meeting at 7:05 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council 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 #2
Diane Tattersall	Agenda Item #2
Frank Soda	Agenda Item #27
Colleen Larkin	Agenda Items #2, #5, #27
Robert Ventry	Agenda Item #2
Ken Hamilton	Agenda Items #2, #27
Jamie Caldwell	Agenda Item #2
Jeff Flach	Agenda Item #2
Vince Anello	Agenda Items #2, #27
Dan Davis	Use Train Station to showcase local history
Bob Pascoal	Comprehensive plan did not include Methadone Clinic
Sheila Zuni	Against opening Methadone Treatment Clinic in her neighborhood
Norma Higgs	Against opening Methadone Treatment Clinic in her neighborhood
Ken Hamilton	Financial responsibility
Roy McDowell	Parking Plan is needed
Jeff Flach	Health care cost savings
Vince Anello	Give report on outstanding issues at each Council Meeting; follow Roberts Rules of Order at Council Meetings
Jeff Black	Lockport & Portage Rds. conditions; plowing issues; Miscellaneous issues

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2016
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PARKING METER INSTALLATIONS, BER-NATIONAL AUTOMATION, INC.

Agenda Item #2

The following were the result of bids received on February 2, 2016 for the above referenced project:

CONTRACTOR	BASE BID	ALT.1	ALT.2
Ber-National Auto.Inc. 1137 East Main Street Rochester NY 14609	$257,950.00	$58,580.00	$38,660.00
T2 Systems	$312,672.72	-	-
Cale America	$349,032.00	$64,798.26	$38,880.40

After a thorough review of all the participants' proposals, qualifications and submittal information, it was determined that the firm Ber-National Automation, Inc. was the lowest qualified and responsible bidder. To that end, it is the recommendation of the undersigned that this project be awarded to Ber-National Automation, Inc. at their total bid of $355,190.00. Funding will be made available from Casino funds to a dedicated capital code entitled: Parking Meter Program H1316.2013.1316.0449.599.

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

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

Yeas 1
Grandinetti
Nays 4
Scott, Tompkins, Walker, Chairman Touma

DEFEATED

Chairman Touma and Council Member Walker both said more information on costs is needed.

CITY PROPERTY: 250 RAINBOW BLVD., ENCROACHMENT

Agenda Item #3

A restaurant is proposed to open on the ground floor of the Jefferson apartment building located at the corner of Rainbow Boulevard and Third Street. Shawn Weber, one of the owners of the building, is cooperating with the operator of the restaurant, and wishes to install a sign on the building which will encroach into the City right-of-way. Attached (on file in the City Clerk's Office) are diagrams showing the location of this sign. During its meeting on February 10, 2016, the Planning Board recommended approval of this encroachment request. Attached (on file in the City Clerk's Office) hereto is a copy of the Planning Board recommendation. Conditions are attached to the Planning Board's recommendation.

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

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

Yeas 5
Nays 0

APPROVED

MIS DEPARTMENT: CARPETING, FUNDING

Agenda Item #4

The Director of MIS advises that it is necessary to replace the carpeting in their offices, as it is worn and poses a safety issue.

Three estimates were obtained and Paynes Carpeting was the lowest estimate. This estimate is in the amount of $4,785.00. Funding is available from casino interest.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

Chairman Touma said the Department was flooded and there was mold in the carpeting.

CITY WEB SITE, DEVELOPMENT, FUNDING

Agenda Item #5

The Director of MIS is requesting that the sum of $32,000.00 be transferred from Internal Service Fund for telephone expenses to MIS department account A.1680.0000.0449.599. The purpose of this transfer is to help pay the cost of the development of the new City web site. Casino revenues were utilized to fund the Internal Service Fund and therefore it is requested that the Council approve the transfer of these casino revenues to the MIS department code mentioned above.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

Amendment is to change source of funding.

CONTRACT: MAPLE AVE. BASEBALL DIAMOND, BACKSTOP/FENCING, DAVIDSON FENCE

Agenda Item #6

The Acting Director of Public Works advises that it is necessary to remove the existing fence, backstop and dugout concrete and replace those items. Bids were solicited and there were two (2) responses. It is recommended that the City enter into a contract with Davidson Fence Inc. to perform the required work for a total price of $19,650.00. Attached (on file in the City Clerk's Office) is the estimate from Davidson Fence Inc.

Funding is available from 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

CITY PROPERTIES: 550 MAIN ST., 557, 565, 571, 569 THIRD ST., ACQUISITION

Agenda Item #7

The above referenced properties are presently owned by Malina P. Mehta, wife of Praven Mehta, M.D. Praven Mehta was a medical doctor and has pled guilty to various counts of unlawful distribution of controlled substances and has been sentenced to jail and a fine of $500,000. As part of the plea negotiations entered into by and between the United States Attorney's Office and Dr. Mehta's attorney, Malina P. Mehta has agreed to forfeit the above referenced properties and deed them directly to the City of Niagara Falls for no consideration.

Title work is being done to make certain that title to the above referenced properties is clear. Attached (on file in the City Clerk's Office) are copies of surveys for most of the parcels as well as information on file in the City Assessor's Office.

The City has a strong interest in advancing the greater good of the community, protecting the public health, safety and environment and ensuring that neighborhoods are places where people want to live and business owners wish to invest. The above properties are in an important location in the City. Much state, local and private sector investment has taken place in the Third Street area in recent years where these properties are located including public realm infrastructure improvements. This area is undergoing a concerted urban revitalization effort by the City and its state and local partners and is expected to drive significant private sector commercial and residential development. Recently, local developers have purchased nine (9) vacant properties which represent in excess of 1.7 million dollars in acquisition and renovation investment. In addition to revived commercial spaces, the area has seen over twenty (20) new market rate apartments made available on Third Street.

Upon taking title to these properties, it would be the City's intention to solicit requests for proposals to seek private sector individuals and/or entities to develop some or all of these properties while possibly retaining one or more for municipal purposes.

The City has not sought appraisals on these properties. The assessed values total $184,500. There are unpaid School, County and City taxes as well as unpaid water bills which total approximately $8,000.00. This City is responsible to pay these unpaid bills as well as incidental closing costs which will total approximately $3,000.00. The Business Development Director, the Director of Community Development, as well as the Acting Director of Planning and Economic Development believe this is money well spent to acquire these properties which are prime development properties.

The Planning Board reviewed this request for acquisition during its meeting on February 10, 2016 and recommended that the City Council approve the acquisition of these properties.

Will the Council so approve and authorize the Mayor to execute any documents required to acquire these properties which are in form and content 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: 428, 432, 446, 460 AND 462 4TH ST., SALE

Agenda Item #8

The administration requests Niagara Falls City Council approval of the sale of the following city owned parcels to Ellicott Development Company (EDC):

Properties	**Assessed Value**	**EDC Proposed Price**
460-462 4th St.	$3,700	$30,000
428-432 4th St.	$3,600	$9,000
446 4th St.	$1,400	$5,500
Total	$8,700	$44,500
Less: Consideration for demolition and asbestos/lead abatement (460 4th St.)		($27,000)
NET PURCHASE PRICE		**$17,500**

The Niagara Falls Planning Board unanimously recommended the sale of these parcels to the Niagara Falls City Council at its January 11, 2016 meeting. Attached (on file in the City clerk's Office) hereto is a copy of the Planning Board recommendation. EDC is a property management, leasing and development firm that is responsible for the management of over 1,500,000 square feet of office space in Downtown Buffalo, over 1,000,000 square feet of retail space throughout New York and Western Pennsylvania, eight major hotels in the Western New York, as well as over 550,000 sq. ft. of residential apartments, condominiums and townhomes in the Buffalo/Niagara region. EDC's local holdings include the Giacomo Hotel at 222 1st Street and 473 3rd Street, 606 6th Street, in addition to new purchase activity.

EDC is investing in the 3rd Street Commercial District, and the purchase of these ancillary properties will strengthen potential economic impact. In 2015, EDC purchased the former Niagara Gazette Building (310 Niagara Street) which includes the parking lot at 418-426 4th Street. EDC then created an agreement to relocate the Niagara Gazette offices to 473 3rd Street, which is also owned by EDC. This ensures that approximately 40 Niagara Gazette employees remain in downtown Niagara Falls.

EDC is requesting to purchase these parcels to support both the renovation/development of 310 Niagara Street and business operations at 473 3rd Street. EDC will convert 460-462 4th Street to off-street parking for employees/customers of 473 3rd Street. 428, 432, and 446th Street will be maintained as part of the larger development of 310 Niagara Street (former Niagara Gazette Building). EDC has also agreed to include public parking access at 418-424 4th Street, off peak hour public parking access at 460-462 4th St and landscaping the 4th Street frontage of all aforementioned parcels as part of this sale agreement. Upon Niagara Falls City Council approval, the City of Niagara Falls Legal Department will draft a sales agreement that outlines the city's expectations of EDC for both parking access and landscaping.

Public and residential parking is a pressing issue on both the 400 and 500 blocks of 3RD Street. As new businesses open and market rate apartments are added, available on-street and parking lot spaces diminish. This problem is compounded during an ever expanding tourism season. Off street parking along the 3rd / 4TH Street alley is a logical and preferred solution. The City of Niagara Falls purchased 425 3rd Street, with Niagara Falls Planning Board approval, earlier this year to act as a pedestrian connection between the 3rd Street Commercial District and off street parking. EDC's purchase proposal will provide public parking access at 418-424 4th Street, which is already lit and paved, as well as a new parking option at 460-462 4th Street. In addition to returning five city owned properties to the tax roll and eliminating blight, this transfer offers a forward thinking and cost effective solution to some of the district's parking concerns.

The sale of these properties is part of larger, and vitally important, development initiatives in the downtown core. In 2012, the City of Niagara Falls Community Development Department was awarded a Western New York Regional Economic Development Council grant for the Downtown Niagara Falls Stabilization Project. Targeted demolitions of blighted structures on 4th Street, bordering the 3rd/4th Street alleys, was a grant component. The City of Niagara Falls demolished these blighted structures in order to support the private sector's purchase and renovation of vacant and under-utilized buildings along 3rd Street. Simply put, the strategy is working. In the past four years, 435 3rd Street, 444 3rd Street, 451 3rd Street, 460 3rd Street, 463 3rd Street, 231 Ferry Avenue and 539 Main Street have been purchased and renovated by local developers for market rate residential/commercial use. The addition of EDC as the developer of 310 Niagara Street, with its impressive renovation/management track record at the Giacomo Hotel, only adds to the ongoing success of the 3rd Street Commercial District. Based on contract review, the City of Niagara Falls deems the $27,000 estimate for the demolition of 460 4th Street to be fair and reasonable. The Niagara Falls Community Development's average per structure demolition cost, including asbestos abatement, is $24,000. Analysis of the 2013 demolition contract that included 4th Street demolition determined that dollar amount.

The City of Niagara Falls has a responsibility to address parking, pedestrian access, blight clearance and neighborhood walkability in a responsible and timely manner. Focusing on private sector partnership, the administration presents the sale of 428, 432, 446, 460 and 462 4th Street as a needed and valuable solution.

Will the Council find that the best interest of the City shall be subserved by dispensing with a sale of 428, 432, 446, 460 and 462 4th Street at public auction, approve the sale of 428, 432, 446, 460 and 462 4th Street to EDC on the terms described herein, and authorize the Mayor to enter into subsequent legal agreements, once the aforementioned material items are satisfied and are in form and content satisfactory to the Corporation Counsel and sign deeds of conveyance and ancillary documents?

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

Yeas	5
Nays	0

APPROVED

Amendment is to include recommendations of the Planning Board.

CONTRACT: ABANDONED VEHICLES, REMOVAL, SATARIAN AUTO PARTS

Agenda Item #9

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

TO: Satarian Auto Parts
4250 Witmer Road
Niagara Falls, NY 14305

FOR: Removal of abandoned vehicles within the City of Niagara Falls, New York
$101.00/vehicle to be paid to the City

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eight (8) vendors. Two (2) bids were received. In addition to Satarian Auto Parts, Pages Automotive & Towing, Inc. submitted a bid ($100.00 per vehicle) to be paid to the City. After reviewing each bid we determined that Satarian Auto Parts submitted the highest price to be paid to the City.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

ASSESSOR OFFICE: REALIGNMENT OF STAFF

Agenda Item #10

A retirement of the Real Property Appraiser has allowed for the reallocation of job duties and the following changes are proposed in the Assessor's Office expense account A1355.0000.0110.00

Assessor Administrative Aide, currently a grade 12 at a salary of $38,589.28
Proposed grade 13 with a salary of $39,674.49.
Difference of $1,085.21.

Assessor Technician position with a 2015 budgeted salary of $34,506.56.
Proposed stipend of $2,500 stipend.

Senior Assessor Data Clerk, currently a grade 9 with a salary of $36,918.58.
Proposed grade 10 with a salary of $37,821.33.
Difference of $902.75.

The realignment will result in an increase of $5,549.00 annually, inclusive of all fringe costs.

Funding is available through A.1990.7630.0449.599 Contingency A/C

Will Council so approve?

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

Yeas 3
Grandinetti, Walker, Chairman Touma
Nays 2
Scott, Tompkins

APPROVED

Chairman Touma said the Assessor had shared information with him & other Council Members on this.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

2433 WOODLAWN AVE., INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #11

At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 2433 WOODLAWN AVENUE

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

Submitted By: Joanne Artymowicz, on behalf of her mother, Nancy Dinardo, 2433 Woodlawn Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

538 MEMORIAL PKWY., INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #12

At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 538 MEMORIAL PARKWAY

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

Submitted By: Helga Hickman, 538 Memorial Parkway

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

3022 ORLEANS AVE., INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #13
At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 3022 ORLEANS AVENUE

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

Submitted By: Jean Stewart, 3022 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

2473 CUDABACK AVE., INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #14
At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 2473 CUDABACK AVENUE

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

Submitted By: Mae Stallworth, on behalf of her mother, Pearl Lewis, 2473 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	5
Nays	0
	APPROVED

1129 LASALLE AVE., INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #15
At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 1129 LASALLE AVENUE

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

Submitted By: Sarah Handley Turk, 1129 LaSalle Avenue

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

Yeas	5
Nays	0
	APPROVED

529 16TH ST., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #16

At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 529 16th STREET

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

Submitted By: Margaret Mitchell, 529 16th Street, Apt. 1

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

56TH ST., INSTALL "NO STANDING ANYTIME" RESTRICTION, WEST SIDE, FROM GOODYEAR DR. TO APPROXIMATELY 80' NORTH

Agenda Item #17

At a Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL "NO STANDING ANYTIME" RESTRICTION ON 56TH STREET, WEST SIDE, FROM GOODYEAR DRIVE TO APPROXIMATELY 80' NORTH

This will allow for increased sight distances for tractor trailers exiting Goodyear's facilities of southbound traffic on 56th Street.

Submitted By: Richard Collins, Manager of Engineering, Goodyear Tire & Rubber Company, Niagara Falls Plant, 5500 Goodyear Drive

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
	APPROVED

HIGHLAND AVE., INSTALL A) "15 MINUTE PARKING" RESTRICTION ON THE WEST SIDE BETWEEN CENTER AVE & EASTON DR; AND ON THE EAST SIDE BETWEEN GARDEN AVE. & CALUMET AVE.; B) "NO STANDING ANYTIME" RESTRICTION ON THE EAST SIDE BETWEEN CENTER AVE. & GARDEN AVE.

Agenda Item #18

At a Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

> INSTALL ON HIGHLAND AVENUE: A) A "15 MINUTE PARKING" RESTRICTION ON THE WEST SIDE BETWEEN CENTER AVENUE & EASTON DRIVE; AND ON THE EAST SIDE BETWEEN GARDEN AVENUE & CALUMET AVENUE; B) "NO STANDING ANYTIME" RESTRICTION ON THE EAST SIDE BETWEEN CENTER AVENUE & GARDEN AVENUE.
>
> Part A of this item was submitted as a CPTED (Crime Prevention Through Environmental Design) recommendation to assist with crowd control and loitering in this area. Although the Commission had some concerns with the recommendations affect on area business, the Police Department is confident it will provide a deterrent to crime in the area and the 15 minute time limit will be adequate for the in and out type of businesses that are located here. The Niagara Falls Housing Authority, who owns Jordan Gardens, in addition to various area residents are in support of this.
> Part B of this item will assist with building security and safety for the new Community Health Center of Niagara located here.
>
> Submitted by: Bryan DalPorto, Superintendent of Police, Niagara Falls Police Department

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
	APPROVED

FERRY AVE., INSTALL OVERNIGHT PARKING BETWEEN 10TH ST & MEMORIAL PKWY. (SOUTH SIDE ONLY) WITH "NO PARKING TUESDAY 7 AM TO 1 PM" RESTRICTION

Agenda Item #19

At a Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

> INSTALL OVERNIGHT PARKING ON FERRY AVENUE BETWEEN 10TH STREET & MEMORIAL PARKWAY (SOUTH SIDE ONLY) WITH "NO PARKING TUESDAY 7 AM TO 1 PM" RESTRICTION

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

A Petition from the residents of this block was received with 67% signatures.

Submitted By: Colleen & Michael Pembleton, 1005 Ferry Avenue, Apt.1 and Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
	APPROVED

LINDBERGH AVE., INSTALL ALTERNATE OVERNIGHT PARKING BETWEEN 71ST ST. & 72ND ST.

Agenda Item #20

At a Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON LINDBERGH AVENUE BETWEEN 71st STREET & 72nd STREET

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

Submitted By: Peter DiFrancesco, 501 71st Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas 5

Nays 0

APPROVED

MADISON AVE., INSTALL ALTERNATE OVERNIGHT PARKING BETWEEN DORCHESTER RD. & VANRENSSELAER AVE.

Agenda Item #21

At a Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON MADISON AVENUE BETWEEN DORCHESTER ROAD & VanRENSSELAER AVENUE

A Petition from the residents of this block was received with 80% signatures.

Submitted By: Kenny Tompkins, 3009 Madison Avenue and Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas 4

Grandinetti, Scott, Walker, Chairman Touma

Nays 0

Abstain 1

Tompkins

APPROVED

68TH ST., INSTALL ALTERNATE OVERNIGHT PARKING BETWEEN EDISON AVE. & STEPHENSON AVE.

Agenda Item #22

At a Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 68TH STREET BETWEEN EDISON AVENUE & STEPHENSON AVENUE

A Petition from the residents of this block was received with 73% signatures.

Submitted By: Brenda Williams, 242 68th Street, Joan Wahler, 247 68th Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0

APPROVED

1885 LINWOOD AVE., INSTALL "NO STANDING ANYTIME" RESTRICTION EFFECTIVE 6:30 AM TO 8 AM & 2 PM TO 3:30 PM, MONDAY THRU FRIDAY

Agenda Item #23

At the Traffic Advisory Commission meeting held on February 9, 2016 the Commission recommended APPROVAL of the following item:

INSTALL "NO STANDING ANYTIME" RESTRICTION EFFECTIVE 6:30 AM TO 8 AM & 2 PM TO 3:30 PM, MONDAY THRU FRIDAY IN FRONT OF 1885 LINWOOD AVENUE

This will provide curb access for the safe pickup/drop-off of an autistic child by mini bus.

[Physician verification of the child's condition has been received]

Submitted By: Etta Zacher, on behalf of her daughter, Marie Schear, 1885 Linwood Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #24

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2016 to March 31, 2018.

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

Kim Bradberry	Human Resources
Brook D'Angelo	DPW
Leonard Lapp	City Clerk's Office
Rosanna Lively	DPW
Kelly Cook	1026 92nd St., NF NY 14304
Lisa Kaczor	7050 Lakeside Dr., NF NY 14304
Larry Kensinger	496 23rd St., NF, NY 14303
Teresa M. Kurilovitch	9311 Niemel Dr., NF NY 14304
Jaclyn Pendola	620 28th St., NF NY 14301
Carletta Tyson	1744 Tennessee Ave., NF NY 14305

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 CORPORATION COUNSEL

IN REM PROPERTIES, APPROVAL OF ACTIONS

Agenda Item #25

We have been contacted by the attorney for the former owner of Ward 12, Pro 3673, which the City took title to in the recent In Rem proceeding.

It was anticipated that this property would be included in the upcoming home ownership auction being conducted by the Community Development Department. The prior owner had health issues which prevented him from redeeming the property during the regular period to do so. The attorney has in his trust account, enough funds to cover all outstanding City, School and County taxes and other fees associated with the property.

Based upon this, it is recommended that the Council approve the reconveyance of the property to the former owner, upon the payment of all outstanding taxes and fees as well as any recording fees and authorize the Mayor to execute a deed in a form acceptable to the Corporation Counsel.

At the January 25, 2016 Council Meeting, you voted to reject the bids on Ward 5, Pro 1607 and Ward 9, Pro 2797 due to the bidder having outstanding housing inspection issues on another property. We have been informed by the Department of Code Enforcement that these are recent violations and that the bidder normally resolves any such issues in a timely manner, but has been unable to proceed quickly on this property due to issues with the tenant. Based on this, it is recommended that the Council vote to accept the bids and authorize the Mayor to execute deeds in a form acceptable to the Corporation Counsel.

Also at your January 25, 2016 meeting, you voted to reject the bid on Ward 12, Pro 4332 due to the bidder having outstanding housing inspection issues on a property he owns. Acceptable proof has been provided that this individual was bidding on behalf of the Highland Community Revitalization Committee. Based on this, it is recommended that the Council vote to accept the bid and authorize the Mayor to execute a deed to the Highland Community Revitalization Committee in a form acceptable to the Corporation Counsel.

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

Amendment is to include a property on Garden Ave.

RESOLUTION: BENEFITS OF EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS, ORDINANCE AMENDMENT
BY: COUNCIL MEMBERS EZRA P. SCOTT, JR. & KENNY TOMPKINS

Agenda Item #26

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 171 of the Codified Ordinances entitled "Benefits of Employees Not Covered by Collective Bargaining Agreements" is hereby amended by amending Section 171.05 to read as follows:

171.05 HEALTH INSURANCE

d. City Council members first elected after January 1, 2016, or re-elected after January 1, 2016 following a separation from service, will not be entitled to receive health insurance "opt-out" payments as provided for under Section 4 of the City's "Health Care Memorandum of Understanding", agreed to by the City's Health Care Committee and adopted by the City Council January 17, 2006.

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

Council Member Scott moved to Table the Resolution.

Yeas 3
Scott, Walker, Chairman Touma
Nays 2
Grandinetti, Tompkins

TABLED

Chairman Touma said the Mayor & Council need to work together on Health Care cost savings.

RESOLUTION: GOLF COURSE FEES & RELATED FEES FOR CALENDAR YEAR 2016, 2016-20
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #27

WHEREAS, the Acting Director of the Department of Public Works has reviewed the Golf Course Fees and Related Fees that were in effect during the 2015 calendar year; and

WHEREAS, this City Council believes that certain Golf Course fees and Related Fees should be increased in order to compare with fees charged at other public golf courses in the area; and

WHEREAS, a schedule of proposed Golf Course fees and Related Fees for calendar year 2016 is attached (on file in the City Clerk's Office) hereto; and

WHEREAS, this City Council is in agreement with the proposed increases.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the attached schedule of Golf Course fees and Related Fees for calendar year 2016 is hereby adopted.

Yeas 5
Nays 0

ADOPTED

Chairman Touma said costs need to be cut in order to not put the burden on the taxpayer.

RESOLUTION: PARKING RATES IN CITY LOTS AND RAMP, 2016-21
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #28

WHEREAS, the Administration and Council desire to modify the fee schedule for the City's parking lots and ramp;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that:

1. The daily parking fee for parking in City-owned parking lots and the parking ramp is increased from $15.00 to $20.00 during the high tourist season (May 1 – October 31).
2. The daily parking fee for parking in City-owned parking lots and the parking ramp will remain at $10.00 during the low tourist season (November 1 – April 30).

BE IT FURTHER RESOLVED, that these fee increases be effective beginning May 1, 2016.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: BLACK HISTORY MONTH, HONORING, 2016-22
BY: ALL COUNCIL MEMBERS

Agenda Item #29

WHEREAS, Black History Month is an annual celebration of achievements by black Americans and a time for recognizing the central role of African Americans in U.S. history; and

WHEREAS, Dr. Carter G. Woodson, who worked in the Kentucky coal mines as a child, was the son of former slaves. He enrolled in high school at the age of 20. Dr. Woodson went on to graduate from Berea College, later receiving his master's degree from the University of Chicago and earned a Ph.D. from Harvard University; and

WHEREAS, Dr. Carter G. Woodson was one of the first scholars to study African-American history. In 1926, Dr. Woodson proposed and launched a weeklong celebration of the individuals and occasions having a significant impact on African American History in America, and has since been known as the father of Black History; and

WHEREAS, Dr. Woodson chose the month of February to conduct this commemoration because the birthdays of two men whose actions have significantly affected African Americans in this country, Frederick Douglass and Abraham Lincoln; and

WHEREAS, in 1976, Former President Gerald Ford extended it to the entire month of February.

NOW, THEREFORE, BE IT RESOLVED, that we, the Niagara Falls City Council does hereby recognize February's observance as Black History Month and encourage the great citizens of Niagara Falls, New York, and our great Country, Unites States of America to recommit themselves, not only in February but throughout the year, to an ideal city where equality and justice will always prevail, and to the principals of love, wisdom, and compassion towards one another.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: COLORECTAL CANCER AWARENESS MONTH, 2016-23
By: All COUNCIL MEMBERS

Agenda Item #31

WHEREAS, the City of Niagara Falls joins to support observances that raise awareness of health issues that affect people across our state, nation, and the world, such as the various types of cancer, including colorectal cancer; and

WHEREAS, colorectal cancer is a leading cause of cancer-related deaths among men and women in the United States; each year in New York State, nearly 10,000 people develop colorectal cancer and close to 3,500 New Yorkers die from this disease; it is estimated that one in twenty people will develop colorectal cancer during their lifetime; and

WHEREAS, colorectal cancer occurs most often in older people; approximately 60% of people newly-diagnosed with colon cancer are age 65 and older, and 90% of all colorectal cancers are diagnosed after age 50; and

WHEREAS, about 75% of colorectal cancer occurs in people who have no known risk factors; while the causes of colorectal cancer are not well understood, scientist agree that the following factors increase a person's risk of developing this disease; age, family history and hereditary conditions, personal health history, obesity, physical inactivity, diet, and other lifestyle factors such as cigarette smoking and excessive alcohol use; and

WHEREAS, colorectal cancer often can be prevented through regular screening that can detect small growths, called polyps, which can be removed before they develop into cancer; screening for colorectal cancer is a covered benefit through Medicaid as well as health plans participating in the New York State of Health. The New York State Cancer Services Program offers colorectal cancer screening to eligible uninsured individuals in every county and New York City boroughs; and

WHEREAS, in support of the statewide and national goals to screen at least 80% of age and risk-appropriate men and women for colorectal cancer, New Yorkers and people everywhere are called upon to raise their awareness of colorectal cancer and take preventative steps to safeguard their health and that of loved ones from this disease; and

WHEREAS, in recognition of the importance of all eligible New Yorkers obtaining their colorectal cancer screening, the Cancer Services Program of Niagara County has sponsored the illumination of Niagara Falls "blue" on Friday, March 4, 2016 at 10:00pm; and

WHEREAS, the illumination of Niagara Falls "blue" memorialize those lives lost to the disease and symbolizes the overflow of hope that we as a region, state, and nation have for a future free of colon cancer.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, does hereby proclaim March 2016 as Colorectal Cancer Awareness Month and encourage all citizens to have their screening done.

Yeas 5
Nays 0
ADOPTED

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

Carol A. Antonucci
City Clerk

The first session of the March 7, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:04 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Council Member Grandinetti moved to approve the Minutes from the Council Meeting of February 22, 2016.

Yeas	5
Nays	0
	APPROVED

Purchasing Agent Johnny Destino introduced Neal Turvey of Pitch N Hit Events, who spoke on the proposal to operate and manage the Sal Maglie Stadium (Agenda Item #5). Mr. Destino read the following letter of support for the record.

To the Niagara Falls City Council

I've been informed that today you will consider a proposal submitted by Mr. Neal Turvey concerning the use of Sal Maglie Stadium for the next three years.

We know proposals are submitted for many things for Council consideration. Most make promises they may or may not be able to keep. Up front money always looks good, but if/when it falls through, it can affect people and business for years to come in lost revenues, venue damage from lack of use of upkeep, and more time and money wasted than any government wants to lose or spend.

This proposal is not one of those "hope it works" pieces of paper. Mr. Turvey and the Jr. Thunderwolves organization have a long and very prosperous track record in supporting and molding the youth of the Niagara region. They have the willingness and desire to invest the time, effort and manpower needed to showcase Sal Maglie Stadium as a place the youth of Niagara Falls and the region wants to play at.

As it stands now, when promoting the regional tournaments, names like Sanborn and Lockport NY are promoted throughout the baseball community. While these places do a fine job, they do not have the name recognition or drawing power that Niagara Falls has. Out of state teams will be apt more to join tournaments played here, and even schedule full vacations in conjunction.

When my father was alive, he was a big proponent of the youth of this city. During his playing days, he would sponsor little league kids on weekend junkets to New York City to watch him play. He would even escort the train ride when possible. After retirement, he would arbitrarily show up at youth practice to offer pointers and help out. He even lent his name to a local youth league to help them get on their feet.

Today, a lot of this city's youth aren't aware of who Sal Maglie was or what he did for them. If he were alive today, he would freely offer his full support to the Thunderwolves program. They in turn are in position to continue his legacy.

Even though circumstances have me living elsewhere, I still have many relatives in the area, and visit often. I care about them, and I care about the city that I still love and my Dad chose to never leave.

This proposal offers full summer use and general upkeep of the stadium, easing the city burden. It provides a new group of tourists to use hotels, restaurants, souvenir shops, and other area businesses that otherwise may never come here, bringing in even more tax dollars.

And most importantly to the stadium's namesake, it's something the youth of this city can look forward to take part in, helping to build teamwork, character, and a sense of community.

I urge you to approve this proposal and allow Mr. Turvey and the Jr. Thunderwolves to show what they can do for this city. Thank you for your time.

Sincerely,
Joe Maglie

Mr. Turvey noted that his company will take over the Stadium immediately, pay the utilities, and there will be a new scoreboard. Also, the School District will also be able to use the Stadium.

Daniel Shubsda, President of Northpointe Council, spoke on the history of the Methadone Program in the City. He noted that those in the Program are people in recovery who are working their Program. Council Member Grandinetti said that the proposed Sixth Street site for the Clinic is in a walkable, livable neighborhood, and asked that an alternate site on Buffalo Avenue be given consideration. Council Member Tompkins asked if any meetings were held for public input on the proposed site, and Mr. Schubsda said that Block Clubs were met with. Community Development Director Seth Piccirillo added that if the Buffalo Avenue site will be considered, the Department of Health and other entities will expedite the necessary approvals. Mr. Piccirillo also added that BOCES is still interested in locating some of their Programs at the 606 Walnut Avenue site.

Fire Chief Tom Colangelo read the Captain's Report on an incident involving a citizen who suffered an apparent heart attack and was revived by an off-duty Firefighter and assisted by members of Engine 9. Mayor Paul Dyster thanked those involved, and, after the following Resolution was adopted, Chairman Touma read the Resolution, and the members of the Fire Department were presented with copies of the Resolution.

RESOLUTION: FIRE DEPARTMENT, ENGINE 9, DOBMEIER, KEVIN, RECOGNITION, 2016-24
BY: ALL COUNCIL MEMBERS

Agenda Item #11

WHEREAS, on Friday, February 12, 2016, a citizen suffered a sudden heart attack while removing snow from a neighbor's driveway in the 8700 block of Bollier Avenue; and

WHEREAS, Kevin Dobmeier, an off-duty member of the Niagara Falls Fire Department, was passing the scene in his vehicle as the heart attack was happening; and

WHEREAS, Firefighter Dobmeier exited his vehicle, alertly assessed the situation, started CPR and summoned help to the scene; and

WHEREAS, members of Engine 9, including Captain Mike Accetta and Firefighters Chris Janese, Larry Quarcini and Tim Kennedy, responded to the scene almost immediately and administered emergency medical care which saved the life of the citizen in question.

NOW THEREFORE BE IT RESOLVED, that Captain Accetta and Firefighters Dobmeier, Janese, Quarcini and Kennedy be recognized for their timely and heroic efforts which resulted in a positive outcome to this unfortunate situation. These individuals exemplify the professionalism of the Niagara Falls Fire Department and are a credit to both the Department and the City.

Council Member Grandinetti moved to adopt the Resolution at this time.

Yeas 5
Nays 0
ADOPTED

In the Administrative Update, City Administrator Donna Owens spoke on the Plan for installation of parking meters. She said that: the meters will be maintained by three temporary workers from the Department of Public Works who will work from 7 AM to 11 PM during the peak season of May to October; one Police Officer from the Traffic Division will be dedicated to meter enforcement; the Public Works and Engineering Departments will identify the placement of the meters; workers will be trained by the meter company; and the process will take approximately 6 – 8 weeks for completion. Council Member Grandinetti noted that there was a lot going on in the downtown area over the weekend, and asked why the parking lots were not staffed, so parking was free. Acting Director of Public Works John Caso replied that communication between his Department and staff at the Conference Center needs to be improved, in order to address this situation. Council Member Walker inquired about the placement of the meters, and City Administrator Owens said that meters would first be placed on the street and in the minor lots, then in the ramp and major lots. Council Member Tompkins inquired about a resident parking pass, and this will be discussed at a later phase in the program. Superintendent of Police Bryan DalPorto spoke on the purchase of a plate reader and additional equipment for the Police Department that would help in the implementation of enforcement with the installation of the parking meters.

Chairman Touma asked Mayor Dyster about a Casino Spending Plan, and said that a Plan needs to be created. The Mayor responded that 99H, which controls the distribution of Casino Funds, was being worked on. The Mayor added that he had spoken to a Staff Member of the State's Financial Restructuring Board, who informed him that the City's application was being reviewed. Council Member Walker noted that the Casino Plan in place has not been adhered to, and Funds have been spent on Projects other than those for which they were designated.

City Controller Maria Brown informed the Council Members that she was in the process of renegotiating Bonds issued in 2006 and 2007 that would now have a better interest rate.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #2 and a Resolution to be added to the Agenda:

1. Council Member Grandinetti moved to amend Agenda Item #2, relative to a Letter of Award for on-street parking meter installations, by the adding additional language.

Yeas 4
Council Members Grandinetti, Scott, Tompkins, Chairman Touma
Nays 1
Council Member Walker
MOTION TO AMEND APPROVED

2. Council Member Walker moved to add a Resolution relative to implementation of a Casino Spending Plan to the Agenda.

Yeas 5
Nays 0
MOTION TO ADD RESOLUTION TO AGENDA APPROVED
The Resolution was added to the Agenda as #12

Mrs. Brown and Lisa Vitello of the Billing and Collections Department spoke on Agenda Item #8, relative to a charge for duplicate tax/water & sewer bills. They noted that requests are received from mortgage companies, property management companies and out of town landlords for hundreds of bills to be reprinted, and this is very time-consuming for office staff.

Council Member Scott thanked Mayor Dyster for agreeing to present a Casino Spending Plan to the Council.

This Session ended at 6:45 PM

Chairman Touma reconvened the Meeting at 7:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Chairman Touma and led the gathering in the Pledge of Allegiance to the Flag.

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

Ron Anderluh	Agenda Item #2
Ken Hamilton	Agenda Items #2, #5, #8, #9, #11
Robert Ventry	Agenda Item #2
Vince Anello	Agenda Items #2, #6
Tony Gara	Drug use in City
Judy Finitz	City should receive more Casino money from the State and use it to lower taxes; Fire Hall at College & Highland is still boarded up-get accounting of use of money that was given to fix it; Seneca Gas Station/Convenience Store will hurt area businesses; Casino funding has been wasted
Candace Corsaro	Narcan training course
Tina Galyn	Methadone Clinic concerns
Michael Murphy	Methadone Clinic concerns; additional charge for duplicate bills
Ken Hamilton	Methadone Clinic concerns; monitors not working for presentations; blocked exit door; voting on items at Work Session
Bob Belton	Availability of Variance report
Jamie Caldwell	No operating budget for Train Station; Hamister Hotel; no City Engineer; various concerns in the City
Vince Anello	Sixth Street is wrong location for Methadone Clinic; City needs Casino revenue spending policy

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF FEBRUARY 2016
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PARKING METER INSTALLATIONS, BER-NATIONAL AUTOMATION, INC.

Agenda Item #2

The following were the result of bids received on February 2, 2016 for the above referenced project:

CONTRACTOR	BASE BID	ALT.1	ALT.2
Ber-National Automation, Inc. 1137 East Main Street Rochester NY 14609	$257,950.00	$58,580.00	$38,660.00
T2 Systems	$312,672.72	-	-
Cale America	$349,032.00	$64,798.26	$38,880.40

After a thorough review of all the participants' proposals, qualifications and submittal information, it was determined that the firm Ber-National Automation, Inc. was the lowest qualified and responsible bidder. To that end, it is the recommendation of the undersigned that this project be awarded to Ber-National Automation, Inc. at their total bid of $355,190.00. Funding will be made available from Casino funds to a dedicated capital code entitled: Parking Meter Program H1316.2013.1316.0449.599.

A meeting with representatives from Ber-National Automation, Inc. ("BER") took place on Wednesday, March 2, 2016 at the offices of the Department of Public Works ("DPW"). The BER representative attending the meeting gave a presentation which included a great amount of detail in the operation of the parking meter system and the tasks the City will be required to undertake in order to operate the system after installation is accomplished. Based upon the information provided by the BER representative, it became apparent that existing DPW budgeted employees (both budgeted temps and full-time employees) will be able to absorb and accomplish the tasks required to operate these parking meters in the ordinary course of business at little or no additional expense and without any changes to existing job specifications. The Director of DPW advises that he is restructuring the duties of three (3) existing department employees to charge them with performing the tasks these meters will require. Those tasks, at this point, appear to be limited to occasional changing of receipt tapes (each parking meter can accommodate 6,500 separate receipts!) and replacement of the sealed cash boxes as needed. The volume of customers will determine the frequency with which these tasks must be performed. The necessity to perform these tasks will be monitored remotely and individuals will be dispatched to perform those tasks on an as-needed basis. This is consistent with inquiries made of other communities.

BER will perform any maintenance required on these parking meters during the first year of operation as part of its bid. Training of City employees will also be performed so that City employees may perform any necessary maintenance going forward.

As far as the enforcement component is concerned, the Superintendent of Police advises that he will detail a traffic officer on duty to the downtown area of the City to engage in enforcement activity, as needed, as part of that officer's daily duties. In order to efficiently perform enforcement activity, it will be necessary for the City to acquire a license plate scanner with software and appropriate equipment. The Police Superintendent researched this issue and has determined that the existing license plate scanners and software cannot be retrofitted for this purpose due to compatibility issues. Therefore, he is recommending that the proprietary system available through BER National that is compatible with the parking meters be acquired at this time at an additional cost of $86,250.00 plus a license fee of $4,000.00. Going forward, this $4,000.00 license fee must be paid annually. Casino revenues are available to pay for this component of the parking meter initiative. It is therefore requested that the City Council approve this purchase at this time as well

Finally, the Administration is proposing that Council authorize the implementation of a variable per-hour on-street parking meter rate. The rate structure will be adjusted during peak and non-peak times accordingly to encourage customer parking in the City ramp and surface lots. The initial proposed hourly rates for on-street parking will fluctuate between $1.00 and $3.00 per hour. The City Council has also expressed an interest in exploring opportunities for a resident parking pass to utilize City ramps and surface lots at a discounted price. The administration remains receptive to exploring those opportunities as well as we begin planning future phases of the parking program.

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

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

Yeas 4
Grandinetti, Tompkins, Walker, Chairman Touma
Nays 0
Abstain 1
Scott

APPROVED

Amendment is to add additional language.

Council Member Tompkins said he was not happy 2 weeks ago with the lack of information and didn't get much time to digest this information. There is no real plan, but additional funding is being requested. He will vote yes because he realizes the value of getting the meters installed.
Council Member Walker said the additional $90,000 that was requested should be used to purchase additional meters, more work needs to be done on the Plan.
Chairman Touma said a Parking Plan is needed for future development, and meters should increase traffic flow. The revenues will be good, and tourists expect to pay for parking. The meters will be managed in house at a minimum labor cost.

CONTRACT: ICE PAVILION, PHASE IV, ELECTRICAL ICE RINK FLOOR/DASHER BOARD REPLACEMENT, SOUTH BUFFALO ELECTRICAL INC.

Agenda Item #3

A contract for the above referenced project was awarded to South Buffalo Electrical, Inc. 1250 Broadway Street, Buffalo, NY, on March 9, 2015 in an amount of $83,285.00.

As the project progressed it became apparent that out of scope tasks associated with the operation of the facility were necessary. Power and controls for new equipment needed additional electric work also existing fire alarm devices needed to be relocated.

The total cost of this extra work is $2,185.74.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $2,185.74 be approved, bringing the new contract total to $88,470.74. Existing funding is available through a Bond Resolution approved by City Council for this project.

Will the Council vote to so approve?

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

Yeas 5
Nays 0

APPROVED

PURCHASE: NETWORK AND SERVER EQUIPMENT, ALTERNATIVE INFORMATION SYSTEMS, FUNDING

Agenda Item #4

We respectfully request you approve the above referenced purchase as follows:

TO: Alternative Information Systems
489 Ellicott Street
Buffalo, NY 14203

FOR: Purchase of networking equipment, storage and backup server systems, and installation services.

TOTAL: $138,059.00

The City Purchasing Agent certifies that this purchase (Pricing information available in the City Clerk's Office) is available on New York State Contract for Telecommunications Services.

Funds for this expenditure are available in Casino revenues.

Will the Council vote to approve and authorize the Mayor to execute any documents necessary to effectuate same?

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said that he hopes this will be the last time he's asked to approve a purchase for the Network.

CONTRACT: SAL MAGLIE STADIUM, OPERATE/MANAGE, PITCH AND HIT EVENTS LLC

Agenda Item #5

The City Purchasing Division prepared a Request for Proposals ("RFP") for the operation and management of Sal Maglie Stadium. The RFP #2015-24 was advertised in the Niagara Gazette. The RFP was also posted on the City website and promoted on social media platforms. The Purchasing Division received several verbal inquiries regarding the facility and a formal response was received from one (1) vendor.

The opportunity contained in the RFP was for "a license to operate and manage the city-owned facility known as Sal Maglie Stadium." Pursuant to the terms of the request, the vendor would be granted a license to operate and manage the facility for an initial term of three (3) years to commence April 1, 2016 and ending March 31, 2019. The license may be terminated by either party with proper notice after the first year of the agreement. The City is offering the property in "as is" condition and will be responsible for repairs made to the structure and fixtures. During the term of the agreement and any subsequent renewal, the vendor will be responsible for paying all operational expenses of the Stadium Facility, inclusive of the cost of all utilities.

The basis for awarding this license was stated in the RFP as follows:

> "The City, in its sole discretion, will determine which proposal is most suitable to the City. Among the items to be considered in making its determination, the City will… take into consideration the payments proposed to be made in Paragraph 3 herein, the uses proposed in Paragraphs 5, 20, and 21, as well as the business background, experience and qualifications of the licensee/staff as well as the City's due diligence."

The response to the RFP from Pitch and Hit Events LLC (on file in the City Clerk's Office) was reviewed and determined by the Administration to be responsive to our request. A committee comprised of several department heads conducted interviews of key personnel and performed reference checks. Pitch and Hit Events has agreed to pay the City one dollar ($1.00) annually on April 1st and a negotiated portion of its stadium generated revenues payable to the City on October 31st of each year.

It is recommended that the license to operate and manage Sal Maglie Stadium be awarded to Pitch and Hit Events LLC upon such terms as negotiated.

Will the Council so approve and authorize the Mayor to execute an agreement specifying the terms and conditions of the license to operate and manage Sal Maglie Stadium in form and content satisfactory to the Corporation Counsel?

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

Yeas	5
Nays	0

APPROVED

Council Member Grandinetti said she is very excited about this Plan. Chairman Touma said the Developer will install a new scoreboard and pay for utilities. This Developer has been successful & will generate revenue & Profit Sharing may be a possibility down the road.

CABLE TELEVISION COMMISSION: 2016 FUNDING

Agenda Item #6

Pursuant to the City ordinance regarding the Cable Television Commission and subsequent City Council resolutions, the three cable commissioners are to receive $1,000 each per year for their services. These amounts were inadvertently omitted from the 2016 budget. It is requested that the sum of $3,230.00 (inclusive of FICA) be transferred from contingency account line A.1990.7630.0449.599 to the appropriate budget line A.3610.3140 Examining Boards-Cable T.V. for this purpose.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

RESOLUTION: VENDORS AND PEDDLERS, ORDINANCE AMENDMENT, 2016-25
BY: COUNCIL MEMBERS GRANDINETTI, WALKER, CHAIRMAN TOUMA

Agenda Item #7

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 341 of the Codified Ordinances entitled AVendors and Peddlers@ is hereby amended by amending Section 341.12 to read as follows:

341.12 Restrictions Applicable to all Vendors and Peddlers

• • •

(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. No commercial door to door sales and/or solicitation by any vendor or peddler shall be permitted in any residential district or zone, or at any residential property without the prior consent of the owner or resident of the property. This prohibition shall not apply to bona fide religious, non-profit, charitable, political or school-endorsed individuals, groups or organizations. 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.

• • •

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

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: TAX BILLS/WATER AND SEWER BILLS, DUPLICATES
BY: COUNCIL MEMBER GRANDINETTI

Agenda Item #8

WHEREAS, the City's Billing and Collection Office causes City, County and School tax bills to be sent to each taxpayer in the City, and the Niagara Falls Water Board ("NFWB") causes water and sewer bills to be sent to each taxpayer in the City; and

WHEREAS, taxpayers regularly come to the Billing and Collection Office to pay tax bills and water and sewer bills, but some are not in possession of the actual bill that the Billing and Collection Office or the NFWB sent to them to pay; and

WHEREAS, when taxpayers come to the Billing and Collection Office to pay a tax bill or water and sewer bill and are not in possession of the actual bill, it is necessary for personnel in the Billing and Collection Office to make duplicate tax bills and duplicate water and sewer bills, as the case may be, so those taxpayers can pay their tax bills and water and sewer bills; and

WHEREAS, it requires staff time and paper in order for staff in the Billing and Collection Office to generate duplicate bills, which has proven to be a time-consuming and costly task.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City Council does hereby impose a charge of $2.00 for each duplicate tax bill and/or duplicate water and sewer bill that must be generated by the Billing and Collection Office staff in order to process those tax and water and sewer bill payments.

Council Member Walker moved to Table the Communication.

Yeas 3
Scott, Tompkins, Walker
Nays 2
Grandinetti, Chairman Touma

TABLED

RESOLUTION: HOME RULE REQUEST, SPEED LIMIT 2016-26
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #9

WHEREAS, Section 1634 of the New York State Vehicle and Traffic Law, concerning speed limits on highways in cities and villages, provides that no such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than 30 miles per hour; and

WHEREAS, Senator Robert Ortt introduced Senate Bill No. S3115 and Assemblyman John Ceretto introduced Assembly Bill A3640, as annexed hereto, which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area in furtherance of projects to attract new investment in said downtown area; and

WHEREAS, in order for the legislative process to continue, this Council is asked to adopt the annexed Home Rule Request.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S3115 and Assembly Bill A3640, entitled "An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls", and this Council declares that a necessity exists for the enactment of such legislation; and

BE IT FURTHER RESOLVED, that the Clerk of this Council is directed to complete and certify the Home Rule Requests and forward copies of the New York State Legislature as required.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, REAPPOINTMENTS, 2016-27
BY: ALL COUNCIL MEMBERS

Agenda Item #10

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

REAPPOINTMENT:	TERM EXPIRES:
Angela Berti Prospect Street & Old Falls St. Niagara Falls, NY 14303	12/31/2016
Mickey Dumas 1023 South Avenue Niagara Falls, NY 14305	12/31/2016
Denise Easterling 1306 Willow Avenue Niagara Falls, NY 14305	12/31/2016

Yeas 5
Nays 0

ADOPTED

RESOLUTION: FIRE DEPARTMENT, ENGINE 9, DOBMEIER, KEVIN, RECOGNITION, 2016-24
BY: ALL COUNCIL MEMBERS

Agenda Item #11
RESOLUTION WAS ADOPTED AT THE COMMITTEE OF THE WHOLE MEETING

RESOLUTION: CASINO SPENDING PLAN, IMPLEMENTATION, 2016-28
BY: COUNCIL MEMBERS EZRA SCOTT, KENNY TOMPKINS, CHARLES WALKER, COUNCIL CHAIRMAN ANDREW TOUMA VOTE

Agenda Item #12

WHEREAS, the City Council of the City of Niagara Falls feels it is of the upmost importance to create a casino spending plan; and

WHEREAS, despite verbal encouragement to do so, the Mayor has yet to submit a casino spending plan to Council for consideration.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York, does hereby request that a casino spending plan be submitted by the Mayor of the City of Niagara Falls and his administration, to the City Council on or before its meeting scheduled for Monday, April 4, 2016; and

BE IT FURTHER RESOLVED, that if such a casino spending plan is not received by the City Council, by the deadline, this City Council will move to adopt its own plan at its meeting scheduled for Monday, April 18, 2016.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:00 P.M.

Carol A. Antonucci
City Clerk

March 21, 2016

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the March 21, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., and Kenny Tompkins.
Excused: Council Member Charles Walker
Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson and Deputy Corporation Counsel Thomas O'Donnell.

Council Member Grandinetti moved to approve the Minutes from the Council Meeting March 7, 2016.

Yeas	4
Nays	0
	APPROVED

Chairman Touma welcomed Council Member Tompkins three daughters to the Meeting.

Acting Director of Planning and Economic Development Thomas DeSantis spoke on the City's Comprehensive Plan, which has developed over the course of several Administrations. He spoke about various Projects were part of the Plan, and noted that the reconfiguration of the Robert Moses Parkway will spur new development. Council Member Tompkins observed that the Plan targets the downtown area, and asked how the rest of the City benefits from the Plan. Mr. DeSantis said that the rest of the City is involved, and mentioned work done at the LaSalle Library, the Buffalo Avenue Waterfront Park, Griffon Park and Jayne Park. Chairman Touma added that it is important to highlight and showcase the rich history of the City.

Community Development Director Seth Piccirillo spoke on the 2016 CD Final Action Plan Allocation, explaining the changes that were made to the Plan. He said that home ownership is a #1 priority for his Department. He also said that he has reduced costs in his Department through attrition when employees have retired. He said that his Department is audited by HUD on a yearly basis, and Chairman Touma requested that the Council be apprised of the results of each Audit.

Mr. Piccirillo also spoke on the Highland Avenue Fire Hall, and it's use by Isaiah 61. He said that the work on the Fire Hall is scheduled to be completed in 2016, and thanked the Engineering Department for overseeing the roofing Project at the Fire Hall. Isaiah students will be doing some of the work inside the Fire Hall as part of their training. Mr. Piccirillo also noted that the investment in the Fire Hall will encourage other development/investment in the Highland Avenue Area.

Mayor Paul Dyster reported that he had been invited to attend a local Meeting with the Secretary of Labor and others about the issue of employment opportunities for residents, and how municipalities can help with this issue.

Mayor Dyster also spoke on his invitation from President Obama to welcome Canadian Prime Minister Trudeau to the White House, alongwith local high school students.

Mayor Dyster informed the Council Members that the City's Home Rule Request relative to the downtown speed limit had passed in the NYS Senate today.

City Administrator Donna Owens reported that a Meeting was held on March 14 on the parking meters, and the operator application was filled out. A site survey was done on the placement of the meters, and another Meeting will be held on March 30 to go over the meter placement. City Administrator Owens will give the Council an update on the parking meters every two weeks.

City Administrator Owens also reported that the Department of Public Works and Modern will begin additional bulk pickups in April.

Chairman Touma inquired about locations in the City for Bed and Breakfasts, and Mr. DeSantis responded that they can be located anywhere within the City with the proper approvals, and the Zoning Ordinance can be changed if the Council wishes to do so. Mayor Dyster added that this issue was a topic of discussion at the recent NYCOM Meeting.

Chairman Touma asked about High Speed Rail Service between Toronto and Niagara Falls, and Mr. DeSantis said that this is a topic of discussion and will benefit the City.

Corporation Counsel Craig Johnson distributed copies of a Resolution to be added to the Agenda relative to amending golf course fees for disabled golfers.

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

Yeas 4
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #8.

Deputy Corporation Counsel Thomas O'Donnell reminded the Council Members that Agenda Item #7, a Resolution relative to Public Improvement Refunding Serial Bonds, required 4 affirmative votes to pass.

This Session ended at 6:15 PM

Chairman Touma reconvened the Meeting at 6:35 P.M. in the Council Chambers with Council Members Grandinetti, Scott, Tompkins, Chairman Touma present and Council Member Charles Walker excused. 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	Condition of roads in Niagara St. area; Gill Creek Park-concerts, grills & Comfort Station; keep Bed and Breakfasts in downtown area
Dan Davis	Put Retail Stores in Falls St. glass walkway; develop Cultural District
Roscoe Daugherty	Abandoned houses; trash limit
Allan Leo	Golf Course conditions are improved; increased rates for disabled golfers; add cart paths to course
Frank Soda	Golf Course operates at a deficit
Gerald Skrlin	Neighboring property issues
Sylvia Virtuoso	Property conditions on Pine Ave.
Jamie Caldwell	Status of hiring City Engineer; road conditions; Hamister Project
Jeff Flack	Regulate Bed & Breakfasts'

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF FEBRUARY 2016
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: OFFICE OF THE AGING

Agenda Item #2

In the past, the City has served as a contractor for the Niagara County Office for the Aging by providing information and assistance services to persons 60 years old or older who meet Office for the Aging eligibility requirements. These services are performed at 1201 Hyde Park Boulevard, Niagara Falls, New York. The City is paid an amount not to exceed $9,025.00 for these services. The term of the agreement is January 1, 2016 through December 31, 2016.

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

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

Yeas 4
Nays 0

APPROVED

COMMUNITY DEVELOPMENT: 2016 BUDGET FINALIZATION

Agenda Item #3

The City Council approved the Fiscal Year 2016 Consolidated Annual Plan in December 2015. The Consolidated Annual Plan included the Community Development Block Grant (CDBG) Program, HOME, and Emergency Solutions Program (ESG); all funded through annual Department of Housing and Urban Development (HUD) allocations. These budgets were presented to the City Council in draft form, using an estimate from the 2015 actual budget amount, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final Fiscal Year 2016 allocations were released on February 17, 2016. Cumulatively, the city's final CDBG, HOME and ESG allocation is 0.14 percent higher than the $2,758,830 budget previously presented to the community and approved by the City Council. The individual programs are affected as follows:

Draft vs. Actual

Source	**Draft 2016 Action Plan**	**HUD 2016 Final Allocation**	**$ Change**	**% Change**
CDBG	$2,241,544	$2,224,029	($17,515)	-0.7
HOME	$317,911	$336,952	$19,041	6.0
ESG	$199,375	$201,784	$2,409	1.2
TOTAL	$2,758,830	$2,762,765	$3,935	0.1

The Community Development Department proposes the following revisions to the 2016 Community Development Action Plan, to bring the budget estimate in line with the final allocations. The proposed changes also reflect HUD's requirement that no more that 15 percent of CDBG funds be dedicated to public services programs and no more than 20 percent be dedicated to administrative costs. No sub recipients are harmed in this reallocation.

2016 Programmatic Changes

CDBG Budget	$ Change
NF Ranger Program	($2,628)
CD Housing Rehab.	($11,384)
CD Admin	($3,503)

HOME Budget	
CD Housing Rehab.	$19,041

ESG Budget	
Family & Children Services	$2,409

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

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

Yeas 4
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

VENDORS AND PEDDLERS, ORDINANCE AMENDMENT

Agenda Item #4

Please be advised that, Mayor Paul A. Dyster, on March 15, 2016, duly approved the following:

Resolution 2016-25, relative to amending Chapter 341 of the Codified Ordinances entitled "Vendors and Peddlers" which was adopted by Council on March 7, 2016.

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: CHONG, CLEVELAND AND LINDA, AMERICAN RELIABLE INSURANCE COMPANY AS SUBROGEE

Agenda Item #5

Date Claim Filed:	February 17, 2015
Date Action Commenced:	N/A
Date of Occurrence:	December 25, 2014
Location:	1638 South Avenue, Niagara Falls, NY
Nature of Claim:	Damage to house caused by City tree.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$10,000.00

Make Check Payable to:	Law Offices of Robert A. Stutman, P.C. As attorneys for American Reliable Insurance Company
Conditions:	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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

RESOLUTION: DEDICATED PUBLIC ROADWAY, 2016-29
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #6

WHEREAS, during its meeting on October 5, 2015, the City Council approved the sale of a parcel of real property consisting of approximately .57 acres (approximately 245 feet x 103 feet) ("the Property") of City owned real estate to NFNY Hotel Management, LLC ("NFNY") 300 Third Street, Niagara Falls, New York 14303 in order for NFNY to construct an improvement to the Sheraton hotel it owns and operates at 300 Third Street, Niagara Falls, New York; and

WHEREAS, by contract dated December 23, 2015, the City and NFNY entered into a Contract of Sale wherein the City agreed to sell and NFNY agreed to purchase the Property (the "Contract") on agreed terms and conditions; and

WHEREAS, one of the terms and conditions contained in the Contract calls for the City to publicly dedicate a roadway for vehicular and pedestrian access on real estate already owned by the City and already utilized for that purpose; and

WHEREAS, although utilized as such, that roadway was never publically dedicated as a roadway; and

WHEREAS, legal descriptions of the roadway to be dedicated as a public roadway are attached hereto and shown on a survey also attached (on file in the City Clerk's Office) hereto; and

WHEREAS, there is no cost associated with the acquisition and construction of these roadway areas as City roadways because the City already owns the real property in question and the roadways have already been constructed; and

WHEREAS, the City has utilized this as a public roadway for vehicles and pedestrians pursuant to an easement from the Niagara Falls Urban Renewal Agency in 1987 which easement is in the process of being extinguished; and

WHEREAS, the Property abuts the Sheraton hotel and comprises a portion of the area utilized as an undedicated roadway; and

WHEREAS, the City will be required to maintain these public roadways going forward as it has since approximately 1987.

NOW, THEREFORE, this City Council does hereby refer the question of whether these public roadways should be dedicated as public roadways to the Niagara Falls Planning Board for review and recommendation.

Yeas 4
Nays 0

ADOPTED

RESOLUTION: "SERIAL BONDS", PUBLIC IMPROVEMENT REFUNDING AND PAYMENT OF THE BONDS TO BE REFUNDED, 2016-30
BY: ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, the City of Niagara Falls, Niagara County, New York (hereinafter, the "City") heretofore issued $9,364,000 General Obligation (Serial) Bonds, 2006, pursuant to various bond resolutions to pay the cost of various City purposes, as further described in the bond determinations certificate of the City Controller dated November 15, 2006 (hereinafter referred to as the "2006 Refunded Bond Determinations Certificate"), such General Obligation (Serial) Bonds, 2006, being dated November 15, 2006 with remaining maturities on May 15 in the years 2016 through 2028, both inclusive, as more fully described in the 2006 Refunded Bond Determinations Certificate (the "2006 Refunded Bonds"); and

WHEREAS, the City also heretofore issued $39,400,000 General Obligation (Serial) Bonds, 2007 pursuant to a bond resolution to pay the cost of the acquisition of a new public safety and courts facility complex in and for said City, as further described in the bond determinations certificate of the City Controller dated December 1, 2007 (hereinafter referred to as the "2007 Refunded Bond Determinations Certificate"), such General Obligation (Serial) Bonds, 2007, being dated December 1, 2007 with remaining maturities on December 1 in the years 2016 through 2037, both inclusive, as more fully described in the 2007 Refunded Bond Determinations Certificate (the "2007 Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the 2006 Refunded Bonds and the 2007 Refunded Bonds maturing in 2018 and thereafter (collectively, the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Council of the City of Niagara Falls, Niagara County, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds maturing in 2018 and thereafter as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding $42,000,000 refunding serial bonds of the City pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately $38,440,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of $5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-16 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the City Controller pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the City Controller shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Controller. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of $5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the City Controller as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the City maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the City Controller providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the City Controller as fiscal agent of the City for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The City Controller, as chief fiscal officer of the City, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said City, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the City, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the City Controller is also hereby authorized to name the City Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The City Controller is hereby further delegated all powers of this Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Controller, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Controller shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each object or purpose for which such Refunded Bonds were issued is as specified in the 2006 and 2007 Refunded Bond Determinations Certificates which are incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the respective period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Council recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The City Controller is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the City Controller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The City Controller shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The City Controller is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said City Controller shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same 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 be annually levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the City hereby elects to call in and redeem each Refunded Bond which the City Controller shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Holder for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public or private sale to such underwriter as may be selected by the City Controller (the "Underwriter") for purchase prices to be determined by the City Controller, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds, subject to approval by the State Comptroller as required by Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the City Controller to the Underwriter in accordance with said purchase contract upon the receipt by the City of said purchase price, including accrued interest.

Section 11. The City Controller and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the City Controller and all powers in connection thereof are hereby delegated to the City Controller.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated: March 21, 2016

ADDITIONAL INFORMATION AVAILABLE IN THE CITY CLERK'S OFFICE

Yeas 4
Nays 0

ADOPTED

Chairman Touma said that refinancing these Bonds will provide a savings for the taxpayers.

RESOLUTION: GOLF COURSE FEES, AMENDING, 2016-31
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #8

WHEREAS, during the City Council meeting held on February 22, 2016, this City Council adopted a Resolution establishing golf course fees and related fees for calendar year 2016; and

WHEREAS, a change to the cost to obtain a "Season Ticket – Disability Pass (Monday – Sunday, includes cart") - $850.00", was intended to be made but was not included in the Fee Schedule attached to the resolution; and

WHEREAS, this City Council wishes to amend the Resolution and Fee Schedule adopted on February 22, 2016 to include the cost to obtain a "Season Ticket – Disability Pass (Monday – Sunday, includes cart) $850.00."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the attached amended schedule of Golf Course Fees and Related Fees for calendar year 2016 is hereby adopted to include "Season Ticket – Disability Pass (Monday – Sunday, includes cart) $850.00."

Yeas 4
Nays 0

ADOPTED

Chairman Touma said this is a great deal for disabled golfers.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:25 P.M.

Carol A. Antonucci
City Clerk

March 28, 2016

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

March 24, 2016

Members of the City Council
And
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Monday, March 28, 2016 at 4:45 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Authorize the City to enter into a Solar Power and Services Agreement with Sun Edison Origination, LLC.

Respectfully submitted,

_____
Andrew Touma, Council Chair

The March 28, 2016 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Andrew Touma at 4:50 PM in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, Charles Walker.

Also Present: Mayor Paul Dyster, Corporation Counsel Craig Johnson and Deputy Corporation Counsel Thomas O'Donnell.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CONTRACT: SOLAR POWER AND SERVICES AGREEMENT, SUN EDISON ORIGINATION, LLC

Agenda Item #1

The City has been in discussions with Sun Edison regarding entering into a remote net metering arrangement for a solar facility to be built in Rush, NY.

The net metering arrangement provides for the City to receive a credit for the electricity generated by the solar system from National Grid and the agreement with Sun Edison provides that the rate the City pays to Sun Edison would be less than the credit rate received from National Grid providing a net credit to the City for the electricity. The City receives the credit from National Grid to be applied to its electric bills.

This will not impact on the City's electricity arrangement with the New York Power Authority received as part of the relicensing settlement agreement as the City has additional electric needs including the street light system that would absorb the credits generated by this agreement.

The initial term of the agreement is for twenty years and the agreement also provides for a five year renewal.

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

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said this will save the citizens approximately $30,000 per year.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 4:51 PM.

Carol A. Antonucci
City Clerk

The first session of the April 4, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Council Member walker moved to approve the Minutes from the Council Meeting of March 21, 2016 and the Special Meeting of March 28, 2016.

Yeas	5
Nays	0
	APPROVED

Council Member Walker moved to amend the Agenda to vote on Agenda Items #6 and #9 at this time.

Yeas	5
Nays	0
	MOTION TO AMEND AGENDA APPROVED

RESOLUTION: KENNEDY, SHAWN "BABY SHAWN", HONORING, 2016-32
BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, the City of Niagara Falls wishes to acknowledge Shawn "Baby Shawn" Kennedy for his bravery, courage and admiration from all of the residents in the City of Niagara Falls; and

WHEREAS, Baby Shawn is a 5 year old child, diagnosed with a rare form of brain cancer known as DIPG (Diffuse Intrinsic Potine Glioma). He has and will continue to receive treatments at the St. Jude Children's Hospital in Memphis, but that hasn't stopped his smiles, diminished his amazing personality or his abundance of energy; and

WHEREAS, Baby Shawn continues to enjoy life with his family, he recently met his biggest hero, Stephen Curry, basketball player for the Golden State Warriors. "Baby Shawn" sat with the team during warm-ups and enjoyed some one-on-one time with Curry; through Make-A-wish foundation, he recently enjoyed a Disney cruise with his whole family.

NOW, THEREFORE, BE IT RESOLVED, that the City of Niagara Falls, New York, does hereby recognize Shawn "Baby Shawn" Kennedy for his bravery and courage.

Yeas	5
Nays	0
	ADOPTED

Council Member Scott read the Resolution, and the Council Members presented a copy of the Resolution to Shawn and his family. Mayor Paul Dyster read a Proclamation for Shawn, and presented a copy and a pin of the Key to the City to Shawn.

RESOLUTION: BABY CAKES CUPCAKE DINER, HONORING, 2016-33
BY: ALL COUNCIL MEMBERS

Agenda Item #6

WHEREAS, the Niagara Falls City Council wishes to congratulate Baby Cakes Cupcake Diner for winning the 3rd Annual KISS 98.5 Cupcake Challenge; and

WHEREAS, Baby Cakes Cupcake Diner is a local bakery, located at 1412 Pine Avenue in the City of Niagara Falls, this was a dream come true for mothers and co-owners, Christina Groce and Tracey Storey; and

WHEREAS, Christina is a professional cake artist and her business partner Tracy is a pastry chef who studied at the Niagara Falls Culinary Institute. Baby Cakes Cupcake Diner specializes in made-to-order custom cakes and gourmet cupcakes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York, does hereby congratulate Baby Cakes Cupcake Diner and welcome them to the Niagara Falls neighborhood.

Yeas	5
Nays	0
	ADOPTED

Council Member Grandinetti read the Resolution, and the Council Members presented a copy of the Resolution to the owners of the business.

Mayor Dyster gave a Presentation on his Casino Spending Plan. He gave a history of Section 99H of the State Finance Law, which sets out guidelines for spending of Casino dollars; listed the entities that receive part of the City's share of the Casino dollars; and showed how Casino dollars received to date have been spent.

Chairman Touma noted that the Council had not yet received copies of the Isaiah 61 and Comprehensive Plan Presentations, and the Mayor said that he would see that they are forwarded.

Mayor Dyster spoke on the issues he is having in hiring a City Engineer, and asked that the Council consider granting a Residency Waiver for this position only.

Council Member Tompkins inquired about the progress of the parking meter project, and City Administrator Donna Owens said the project is scheduled to be in operation by June 1st.

Mayor Dyster spoke on the Play Ball Program sponsored by NYCOM to involve youth in sports, and said that Sal Maglie Stadium is included in the Program.

Mayor Dyster said that Lt. Governor Kathy Hocul would be at City Hall on April 6 at 9 AM to speak on the NYS Budget that was adopted on April 1st.

City Administrator Owens spoke on the additional pickup of bulk items during April and May.

Mayor Dyster spoke on Agenda Item #2, relative to awarding the contract for the clearing of vacant lots in the City, and said that the contract included the option to renew the contract for an additional two years.

Council Member Grandinetti spoke on Agenda Item #10, relative to amending Chapter 701 of the Codified Ordinances entitled "Animals, Fowl and Dogs", and said that the amendment imposes duties on owners of cats.

This Session ended at 6:45 PM

Chairman Touma reconvened the Meeting at 7:05 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Scott 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:

Joe Grabka	Agenda Item #10
Gerald Skrlin	Agenda Item #3
Caroline Boback	Agenda Item #10
Amy Lewis	Agenda Item #10
Gerald Skrlin	Issue with neighbor's property; free speech issues
Roy McDowell	Thanked Council Members Tompkins & Scott for sponsoring Memorial Day Parade; Mayor should attend Council Meetings; against parking meters; City should get more Casino money; against employee raises; adhere to residency requirement for City Engineer; DPW workers should be clearing vacant lots instead of contracting out this job; Water Board surplus should be used for structure issue repairs
Robert Ventry	Questioned if amount budgeted for demolitions is enough; more money should be budgeted for street & sidewalk repairs; operating budget for Train Station; seal cracks on roads to make repairs last longer; enforce 72 hour rule for high grass/ bushes; no raises should be given; against parking meters; table amendments to Dog Ordinance
Jamie Caldwell	Thanked Council Members Tompkins & Scott for sponsoring Memorial Day Parade; provide itemized list of Casino funds spending; large amounts of garbage around City; resignation of Water Board members
Vince Anello	City needs working relationship with Water Board; Casino Spending Policy needed; waive residency requirement of City Engineer

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: STREET MILLINGS, ARMAND CERRONE, 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: Sale of approximately 37,785 tons of street millings generated during the 2016 paving season: $ .89/ton

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eight (8) vendors. Three (3) bids were received. The above referenced company submitted the highest price for the millings. The two (2) other bids that were received were from Lafarge North America at $.86/ton and Buffalo Fuel Corporation at $.85/ton.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

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

Agenda Item #2

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

TO: K.J. Smith Enterprises, Inc.
3616 Highland Avenue
Niagara Falls, NY 14305

FOR: One (1) year contract to furnish of proper equipment and experienced manpower to clear, cut and or mow all vegetation (weeds, brush, etc.) at various locations within the City of Niagara Falls, NY. This contract has the ability to be extended for two (2) additional years if mutually agreeable and upon City Council approval.

Man Hours for properties less than one (1) acre (est. 3,200 hours): $10.00/Man Hour
Price per acre for properties one acre or larger (est. 150 acres): $17.50/Acre

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eight (8) vendors. Four (4) bids were received. After reviewing each bid we determined that K.J. Smith Enterprises, Inc. submitted the lowest overall bid as shown on the attached (on file in the City Clerk's Office) tally sheet.

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

Will the Council so approve?

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

Yeas 4
Council Members Grandinetti, Scott, Walker, Chairman Touma
Nays 0
Abstain 1
Council Member Tompkins

APPROVED

Chairman Touma said he wished this could be done in house but the City doesn't have the required equipment.

CITY HALL: VETERANS AFFAIRS, OFFICE SPACE

Agenda Item #3

Attached (on file in the City Clerk's Office) hereto is a copy of correspondence to the City Administrator from the State Division of Veterans' Affairs. The Division of Veterans' Affairs is requesting the opportunity to utilize unused office space in City Hall on a limited basis as described in the attached letter. This accommodation has been made to the Office of Veterans' Affairs in the past. This office space will benefit veterans residing in the City with their concerns and questions.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

BUFFALO NIAGARA RIVERKEEPER: HABITAT RESTORATION PROJECTS

Agenda Item #4

The City of Niagara Falls has been approached by Buffalo Niagara Riverkeeper to perform habitat restoration projects in Hyde Park and along Gill Creek.

This would be done by Riverkeeper or contractors on its behalf and is fully funded through Riverkeeper, so no City funds are involved.

Will the Council authorize the Mayor to enter into an agreement with Buffalo Niagara Riverkeeper authorizing this project in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: HUELIN, JR., THOMAS

Agenda Item #5

Date Claim Filed:	January 7, 2016
Date Action Commenced:	N/A
Date of Occurrence:	January 5, 2016
Location:	Niagara Avenue at intersection with 11th Street, Niagara Falls, New York
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Vincent M. Rychel
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1,274.00
Make Check Payable to:	Huelin Thomas, 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: MUNICIPAL CIVIL SERVICE COMMISSION, REAPPOINTMENT
BY: ALL COUNCIL MEMBERS
Agenda Item #7
THIS ITEM WAS PULLED FROM THE AGENDA.
NO ACTION TAKEN ON THIS ITEM.

RESOLUTION: TRAFFIC ADVISORY COMMISSION, APPOINTMENT, 2016-34
BY: ALL COUNCIL MEMBERS

Agenda Item #8

WHEREAS, there is currently one vacant seat on the Niagara Falls Traffic Advisory Commission, due to the passing of Mr. Chester Hyla.

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Traffic Advisory Commission, effective immediately.

APPOINTMENT	TERM EXPIRES:
Schurron Cowart 151 Buffalo Avenue #1401 Niagara Falls, NY 14303	12/31/2018

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ANIMALS, FOWL AND DOGS, ORDINANCE AMENDMENT
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #10

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 as shown on the attached (on file in the City Clerk's Office).

Bold and Underlining indicate Additions.
Strikethrough indicates [Deletion].

Council Member Grandinetti moved to amend the Resolution by removing "unlicensed or" from Section 701.17.

Yeas 5
Nays 0
AMENDMENT APPROVED

Council Member Walker moved to Table the Resolution.

Yeas 5
Nays 0
TABLED

Chairman Touma said this is a problem in the City and after making some revisions, the Council will vote on amending this Ordinance.

RESOLUTION: WATER BOARD, MEMBERS METHOD OF APPOINTMENT, 2016-35
BY: COUNCIL MEMBERS EZRA SCOTT, JR. AND KENNY TOMPKINS

Agenda Item #11

WHEREAS, when the legislation establishing the Niagara Falls Water Board and the Niagara Falls Water Authority were originally enacted, they provided that the City of Niagara Falls would have two of the five appointments of members to the Board and one of the three appointments of members of the Authority; and

WHEREAS, it would be in the best interests of the residents of the City for the City to control the appointments of members of the Niagara Falls Water Board and Niagara Falls Water Authority.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby requests our state legislators, Senator Robert G. Ortt and Assemblyman John D. Cerreto to introduce legislation amending the Public Authorities Law to allow for the City of Niagara Falls to appoint all of the members of the Niagara Falls Water Board and the Niagara Falls Water Authority.

Yeas 4
Council Members Grandinetti, Scott, Tompkins, Walker
Nays 1
Chairman Touma

ADOPTED

Chairman Touma said the Water Board has changed their Chairman & this is a positive move; the Board is hiring an outside consultant to look over their operations; the surplus should be used to reduce rates for the rate payer; 4 out of the 5 Board Members are City residents; checks & balances are important; the City shouldn’t control the Water Board.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:00 P.M.

Carol A. Antonucci
City Clerk

APRIL 18, 2016

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the April 18, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:04 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Council Member Grandinetti moved to approve the Minutes from the Council Meeting of April 4, 2016.

Yeas	5
Nays	0
	APPROVED

Thomas Lowe, Director of ReNU Niagara, gave a Presentation on the return on the City's investment for the volunteers who are part of the Niagara Beautification Commission's Beautify Niagara Project. He thanked the Mayor and Council for their funding and support for the Project.

Assemblyman John Ceretto expressed his support for Agenda Item #13, a Resolution calling for the Water Board to comply with recommendations made by the NYS Controller for use of the surplus found in the Audit. Assemblyman Ceretto also suggested looking into appointing ratepayers to the Water Board.

City Controller Maria Brown and Chairman Touma gave a Presentation on the Council's suggestion for a Casino Spending Plan. The Plan included yearly increases in the amount for Capital Projects/Economic Development/equipment/vehicles/contingency funds.
Council Member Grandinetti asked for a spreadsheet showing the spending of Casino interest. Council Member Walker said he would like to see more funds invested in the community such as cleanups, dealing with trees causing damages, etc.

Council Member Tompkins reported on the funding raised and plans made for the Memorial Day Parade, noting that all three branches of the service that were involved in World War Two will be represented in the parade.

In the Administrative Update, Mayor Paul Dyster said that the Pothole Killer will not be used in the 2016 season, and funds will be used elsewhere; hotpatch is now available for use; and the Lockport Street Project is advancing. In response to Council Member Grandinetti's question, the Mayor said that alleys are repaired on an as-needed basis.

Chairman Touma expressed concern that all residents are not aware of the bulk trash pickups that will begin next week, and asked Mayor Dyster to make every effort to get this information out to residents.

Corporation Counsel Craig Johnson distributed copies of a Resolution to be added to the Agenda relative to funding for the Buffalo Avenue Project.

Council Member Grandinetti 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 #16

Council Member Walker moved to Amend the Resolution by changing the reference from RT. 387 to RT. 384.

Yeas 5
Nays 0

MOTION TO AMEND RESOLUTION APPROVED

Council Member Tompkins asked City Administrator Donna Owens for an update on the parking meter project, and she responded that the timeline was the same as she had previously given.

Chairman Touma asked Mayor Dyster about reducing the funding amount to the Niagara Military Affairs Council (Agenda Item #6), and the Mayor said that he had not had a chance to speak to Mr. Cooper about it. The Mayor said that he would pull the Item from the Agenda until he could speak to Mr. Cooper.

Purchasing Agent Johnny Destino spoke on Agenda Item #10, relative to the purchase of carpeting and furniture for the Economic Development and Purchasing Offices. He noted that this will give the Economic Development Office a more professional appearance since what is now in the office is more than 20 years old, and the furniture is being purchased through State contract.

Acting Director of Planning and Economic Development Thomas DeSantis spoke on Agenda Item #14, a Resolution relative to developing a management plan for the Cultural District, and said that he is happy to comply and work with the other partners in developing it. Mayor Dyster added that much of the land is State property, so a working partnership is needed.

Chairman Touma noted that the Conference Center is not charging for it's use by Niagara Falls High School for graduation and rehearsal, so the City can help taxpayers by waiving the parking fees (Agenda Item #15).

This Session ended at 6:05 PM

Chairman Touma reconvened the Meeting at 6:25 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Tompkins 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:

Dan Davis	Agenda Item #14
Lewis Buttery	Agenda Item #14
Vince Anello	Agenda Item #15
Ron Anderluh	Comfort Station needed at Gill Creek Park; use of Casino Funds; road conditions on 24th St.; use of Hamister Hotel site for parking; Council Neighbor to Neighbor meetings are a good idea
Gerald Skrlin	Free speech issues; missing funds
Jennifer Garey	TNVR Program
Mike Parsnick	Limits on use of Casino Funds

Roy McDowell	No waiver for City Engineer residency; Mayor should attend Council Meetings; use of digital signs to get information to citizens; DPW should do bulk pickup; NIMAC funding; City should get its fair share of Casino Funds; potholes on 17th St.
Norma Higgs	City wide cleanup
Jamie Caldwell	Need greater attendance at Council Meetings; spending of Casino Funds; cleanup City; fix roads; Hamister Hotel site for parking
Diane Tattersall	Commended CD Homeownership Auction; commended Council Member Walker for making Code Enforcement a priority

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF MARCH 2016
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF MARCH 2016
Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 2016 SIDEWALK REPLACEMENTS, VARIOUS LOCATIONS, YARUSSI CONSTRUCTION INC.

Agenda Item #3

The following is the result of bids received on April 5, 2016 for the above referenced project:

CONTRACTOR	BASE BID
Yarussi Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$145,300.00
Roman Construction Development	$177,700.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Yarussi Construction, Inc. Please note that all costs will be totally reimbursable by NYS CHIPS funds.

Presently, the contractor has agreed to extend the unit prices of his bid to utilize both the maximum available CHIPS funding for sidewalks ($200,000.00), and the usual $20,000.00 allotment from the Niagara Falls Water Board, obtained via the standard yearly intra-agency agreement. This will allow the City to enter into a contract with Yarussi Construction, Inc. for a total of $220,000.00 at this time.

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: 2016 DRAINAGE STRUCTURE REPLACEMENT AND REPAIR PROJECT (VARIOUS LOCATIONS), MARK CERRONE, INC.

Agenda Item #4

The following was the result of bids received on April 5, 2016, for the above referenced project:

CONTRACTOR	BASE BID
Mark Cerrone Inc. 2368 Maryland Ave. Niagara Falls NY 14305	$378,957.00
Yarussi Construction Inc.	$387,357.00
J.R. Swanson Plumbing Co. Inc.	$499,294.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Mark Cerrone, Inc. at their Base Bid of $378,957.00. Please note that this amount is funded by a combination of both CHIPS ($208,105.00) and Casino Revenue ($170,852.00) sources. Funding is available in codes H0315.2015.0315.0449.599 and H0621.2006.0621.0300.000 respectively.

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

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said some of this funding is coming from Casino Funds and in the future consider having the Water Board contribute to these types of costs.

CONTRACT: BRIDGE PROGRAM, CONSULTANT SERVICES, BRIDGE WASHING & SEALING, MAINTENANCE, CHA CONSULTING, INC.

Agenda Item #5

Based upon the New York State Department of Transportation standard merit selection procedure, CHA Consulting Inc. has been selected as the City’s consultant for the above referenced program.

Funding for the Construction Inspection component is federally eligible at the standard 80% Federal and 20% Local reimbursement procedure.

It is the recommendation of the undersign that the Project Proposal, Design report, Final Plans & Specs and Construction Administration & Inspection be awarded to CHA Consulting Inc. at the proposed price of $20,000.00.

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said 100% of the construction costs are reimbursable to the City.

CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING
Agenda Item #6
THIS ITEM WAS PULLED FROM THE AGENDA
THERE WAS NO ACTION TAKEN ON THIS ITEM

BUFFALO AVENUE: PHASE II PROJECT, REPAVING, FUNDING

Agenda Item #7

The repaving project for the portion of Buffalo Avenue from Interstate 190 to Cayuga Drive is scheduled to be bid later this year.

This is a federally funded highway project in which the City is responsible for 20% of the cost.

There are funds available from the Buffalo Avenue Phase I project which can be re-appropriated to fund the local share of this project.

It is therefore recommended that the Council vote to re-appropriate the sum of $645,000.00 to fund, in full, the local share of the Buffalo Avenue Phase II project.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said this Project is long overdue for the Buffalo Ave. Businesses located there, and the Project will be completed this year.

CODE ENFORCEMENT: EXPENSES OCCURRED IN REPAIR, DEMOLITION OR BOARD OF STRUCTURES WITHIN THE CITY

Agenda Item #8

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

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

A list of all chargeable costs incurred is attached. 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

Chairman Touma said he would like the Council to be kept updated on reimbursements for these expenses.

CONTRACT: HIGHLAND BUSINESS PARK SERVICE CONTRACT, LABELLA ASSOCIATES, FUNDING

Agenda Item #9

The City currently has previously earmarked economic development funds for the "Highland Business Park Project." The initial step was the purchase of the former Union Carbide Facility at 3625 Highland Avenue, of which $272,724 remains. The project has a budget line of $50,000; for Acquisition, Demolition, Building Renovations, Remediation, Architectural, Engineering and Marketing.

While some general clean up has been carried out by city forces up until now, progressing the Project requires that a series of work activities, both professional and contractual, be undertaken to get the property "market ready." LaBella Associates, D.P.C. is an Engineering, Architecture, Environmental and Planning firm that has worked on previous with the City Brownfield planning efforts and is currently working on the Buffalo Avenue Brownfield Opportunity Area planning project. Based on this record of performance, LaBella Associates was solicited to provide professional design and construction management services for the upcoming phases of work at 3625 Highland Avenue, relative to achieving the goals of making the property market ready and encouraging its re-development into the Highland Business Park, per the Highland Area BOA Plan.

The scope of work to be performed by LaBella Associates will specifically address: roofing, structural elements, safety maintenance items, to make sure that the buildings are weather tight and ready for future tenancy and includes the following services:

- Engineering and Design Services
- Preparation of contract and bid specifications, and related construction documentation in stabilizing and upgrading the three buildings.
- Site work documents and specifications to ensure proper cleanup of the site.
- Construction Management Services during construction/renovation activities.

The cost of the services to be provided by LaBella to the City will be:

- Engineering and Design Services (Bid Documents and Specifications)…. $8,460
- Construction Inspection and Management……. $4,320

Funding for the contract is available from previously earmarked economic development funds, which would provide to the City the $259,944 balance of its commitment to the project. (Letter from LaBella on file in the City Clerk's Office)

Will the Council approve and authorize the Mayor to execute the necessary agreements, in the form acceptable to the Corporation Council?

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

Yeas	5
Nays	0

APPROVED

ECONOMIC DEVELOPMENT/PURCHASING OFFICE, CARPET & FURNITURE, FUNDING

Agenda Item #10

The Purchasing Agent advises that it is necessary to install new carpeting in the Offices of Economic Development and Purchasing, as it is worn, stained and mismatched. Attempts to remediate and clean the carpeting in-house proved unsuccessful.

Additionally, it is necessary to purchase new workstations for the MIS Department as the cubicles that were being used are no longer useful or safe given their age and condition. The workstation furniture is available on state contract.

Three estimates are being obtained for the carpeting by the Purchasing Agent and the total cost of the purchases is not-to-exceed $21,137.29. Funding is available from casino interest.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: BRACERO, RAYMOND A.

Agenda Item #11

Date Claim Filed:	October 15, 2015
Date Action Commenced:	N/A
Date of Occurrence:	October 14, 2015
Location:	Intersection of Ferry Avenue and Hyde Park Boulevard
Nature of Claim:	Automobile damage sustained during grass trimming
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$275.00
Make Check Payable to:	Raymond A. Bracero
Conditions:	General Release to City approved by Corporation Counsel.

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

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

Yeas	5
Nays	0

APPROVED

CLAIM: EDMONDSON, DAQUAN

Agenda Item #12

Date Claim Filed:	September 8, 2015
Date Action Commenced:	N/A
Date of Occurrence:	September 1, 2015
Location:	1100 block of Haeberle Avenue
Nature of Claim:	Automobile damage sustained in accident with city vehicle
City Driver:	Micah Carey
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1, 170.50
Make Check Payable to:	DaQuan Edmondson
Conditions:	General Release to City approved by Corporation Counsel.

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

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: WATER BOARD, COMPLY WITH RECOMMENDATIONS BY THE OFFICE OF THE STATE COMPTROLLER, 2016-36
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, the State of New York Office of the State Comptroller (the "State Comptroller's Office") recently conducted an audit of the NFWB to determine if the NFWB is managing NFWB finances in accordance with the governing agreements and the New York State Public Authorities Law; and

WHEREAS, the State Comptroller's Office recently released its report on this audit which is dated March, 2016; and

WHEREAS, the State Comptroller's Office found that there was excess cash in the NFWB's debt service fund and recommended, among other things, that the excess cash be utilized by the NFWB for "capital projects, for repairs, or to reduce the water and sewer rent rates charged to ratepayers.

NOW, THEREFORE, BE IT RESOLVED by this City Council that the NFWB immediately take steps to implement the recommendations of the State Comptroller's Office, a copy of which recommendations are attached hereto (on file in the City Clerk's Office) and contained on Page 9 of the report issued by the State Comptroller's Office and, in particular, that the NFWB "use the excess cash in the debt service fund for capital projects, for repairs or to reduce the water and sewer rent rates charged to ratepayers"; and

BE IT FURTHER RESOLVED that the NFWB determine that the 72nd Street water main project repairs/replacements undertaken and paid for by the City of Niagara Falls in 2015 be deemed a capital project suitable to be paid for with the excess cash in the Debt Service Fund and take immediate steps to reimburse the City of Niagara Falls for the entire cost of this capital project i.e. approximately $939,650.00 plus costs incurred by the City's consultant engineer; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Niagara Falls Water Board and the Niagara Falls Water Authority; and

BE IT FURTHER RESOLVED that the NFWB respond to this City Council within thirty (30) days as to whether or not it will comply with these requests.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: CULTURAL DISTRICT, MANAGEMENT PLAN, 2016-37
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #14

WHEREAS, the State and City agreed to establish a Cultural District in a 2006 City/State Memorandum of Understanding; and

WHEREAS, the Cultural District is the second BIG MOVE in the City's Comprehensive Plan; and

WHEREAS, the Cultural District has the potential to become a transformational project on the scale of Canal side; and

WHEREAS, the Cultural District is a Public/Private development recommended to include: The Niagara Experience Center, an amphitheater and a Rustic Inn, as well as suggestions for an Interpretive Park including a replica of the Hydraulic Canal; and

WHEREAS, the Cultural District is defined in the 2009 Gorge Corridor Scoping Process as being located between Main Street and Cedar Avenue, and bordered by the Niagara Gorge and Third Streets with direct access from State Parks; and

WHEREAS, the Robert Moses Parkway is being removed and is not an interference once Whirlpool is reconstructed and reopened to traffic; and

WHEREAS, the Cultural District is Historic in nature, as it includes the Old Mill District, The Schoellkopf Power Plant and the terminus of the Hydraulic Canal.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York, does hereby respectfully request the Mayor and his administration form a committee and consult with the State of New York to develop a management plan for the Cultural District, including but not limited to those amenities as proposed by the City's 2009 Comprehensive Plan.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: PARKING FEES, WAIVER, 2016-38
BY: COUNCIL MEMBERS GRANDINETTI, TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #15

WHEREAS, Niagara Falls High School will hold its 2016 Graduation ceremony on Saturday, June 25, 2016 from 12:00 – 2:00 p.m., and its rehearsal ceremony on Friday, June 24, 2016 from 8:30 a.m. – 12:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that the City of Niagara Falls does hereby waive parking fees in the Third Street city parking lot and downtown parking ramp for persons attending the Niagara Falls High School graduation and rehearsal events, scheduled for Saturday, June 25, 2016 from 12:00 p.m. – 2:00 p.m., and Friday, June 24, 2016 from 8:30 a.m. – 12:00 p.m., respectively (letter on file in the City Clerk's Office).

Yeas 4
Grandinetti, Scott, Tompkins, Walker
Nays 0
Abstain 1
Chairman Touma

ADOPTED

Chairman Touma said there is no cost to the School District for this use of the Conference Center and waiving the Parking Fees would also be a service to the taxpayers.

RESOLUTION: BUFFALO AVENUE PROJECT, FUNDING, AMENDING, 2016-39

Agenda Item #16

WHEREAS, a Project for the NY RT. 384 Buffalo Avenue from I-190 Niagara Expressway to Cayuga Drive, P.I.N. 5757.16 (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 Preliminary Engineering and Construction/Construction Inspection phases;

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

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

RESOLVED, that the City Council hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and non-Federal share of the cost of Preliminary Engineering and Construction/Construction Inspection phases

RESOLVED, that the sum of $3,450,000.00 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full Federal and non-Federal share costs of the Project exceeds the amount appropriated above, the City Council of Niagara Falls shall convene 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, New York be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli 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 and state-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

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:15 P.M.

Carol A. Antonucci
City Clerk

MAY 2, 2016

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the May 2, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:12 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, 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 Grandinetti moved to approve the Minutes from the Council Meeting of April 18, 2016.

Yeas	5
Nays	0
	APPROVED

Council Member Walker moved to amend the Agenda to vote on Item #11 at this time.

Yeas	5
Nays	0
	MOTION TO AMEND AGENDA APPROVED

RESOLUTION: ARMENIAN REMEMBRANCE DAY, 2016-40
BY: ALL COUNCIL MEMBERS

Agenda Item #11

WHEREAS, the Armenian Community of Western New York gathered at Oakwood Cemetery to offer memorial prayers for the more than 600 descendants of their, parents, grandparents and others who escaped the Genocide of the Armenian people in 1915; and

WHEREAS, the Armenian Genocide, resulted in the deaths of approximately 1.5 million members of the Armenian minority in the Ottoman Empire through forced exile and murder; and

WHEREAS, 2015 marked the one-hundredth year anniversary of the beginning of this horrific international tragedy; and

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

Yeas	5
Nays	0
	ADOPTED

Council Chairman Touma read the Resolution and the Council Members presented a copy of the Resolution to members of the Armenian Community.

Mayor Dyster asked Deputy Corporation Counsel Chris Mazur to speak on the Health Care Consortium. Mr. Mazur stated that any changes have to be done through the Health Care Committee, and the Committee didn't take any action last year on joining the Consortium. Daniel M. Engert of the Health Care Consortium gave a Presentation. The Consortium consists of 26 Municipal participants in Niagara County who receive greater benefits. He would like to bring in the Labor Units. He stated that Article 47 Consortium is the only Health Care Model in New York State. The cost reduction is the prime motivator for the program and participants need to work together to manage costs. The excess funds stay in the Consortium. The plan requires 2000 members, which they have, and Union representation is required. He stated Phase 1 is complete, and the next Phase will be bringing in unions for their input.

Chairman Touma asked Chris Mazur to address any questions. Mr. Mazur stated any changes have to be done by the Health Care Commission, a 2/3 majority is needed, and then it is presented to the Council for approval. Chairman Touma noted that the Council can vote to invest the $1,000 for a feasibility study by the Consortium without the approval of the Health Care Commission, and a lengthy discussion followed.

Acting Director of the Public Works John Caso, and SWEET Program Coordinator Brook D'Angelo gave a Presentation on Electronic Recycling. The Collection Tracking System Form is filled out by the DPW worker and the resident dropping off the equipment. They spoke about the list of items that are acceptable. Chairman Touma discussed forming a Recycling and Refuse Committee to get the news out about this to the Public, and Mr. Caso & Ms. D'Angelo both agreed on this.

Council Member Tompkins asked why the position involved for the reorganization of the Purchasing Division (Agenda Item #2), was advertised in the papers when it wasn't approved yet. Director of Human Resources Ruby Pulliam stated this position was created and approved by the Civil Service Commission at the request of the Purchasing Department Head. The job announcement was to receive applications. A discussion with Purchasing Agent Johnny Destino and the Council continued. Council Member Walker asked if the person is doing the work of the Purchasing Clerk, and Mr. Destino stated additional duties, including previous duties of the former worker, would be done by the new hire.

Chairman Touma asked Mr. Caso, if there was a savings in salt for the year. Mr. Caso will let him know, and he added that the extra salt can be used next year.

Chairman Touma read a letter from the Regional Traffic Engineer that the speed limit in front of Hyde Park Elementary School will be established at 25 mph and signs will be installed.

Chairman Touma asked Civil Engineer III Robert Buzzelli if the Parking Meters were still on track, and Mr. Buzzelli responded that they will be installed by early June as scheduled.

Corporation Counsel Craig Johnson distributed copies of an item to be added to the Agenda relative to purchase and delivery of trees for Beech Avenue from Schichtel's Nursery.

Council Member Grandinetti moved to add the Communication to the Agenda, and Council Member Walker seconded the motion.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #21.

Chairman Touma thanked the Mayor for reducing the City's contribution to NIMAC by $10,000 (Agenda Item #7) and said that he is very appreciative of this.

Chairman Touma stated he has never received as many glowing references for 1 person as he did for Mrs. Tavano as a member of the Municipal Civil Service Commission (Agenda Item #17)

For Agenda Item #18, relative to amounts to be charged for duplicate tax and water/sewer bills, Council Member Grandinetti moved to remove the Item from the Table, and Chairman Touma seconded the motion.

Yeas 5
Nays 0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

A discussion followed between the Council Members.

Council Member Walker moved to amend Item #18 to add the effective date of July 1, 2016, and adding at the end "except in owner occupancy". Council Member Tompkins seconded the motion.

Yeas 5
Nays 0

MOTION TO AMEND APPROVED

This Session ended at 6:30 PM

Chairman Touma reconvened the Meeting at 6:50 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member 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:

Jamie Caldwell	Agenda Items #16, #18
Vince Anello	Agenda Items #5, #18
Ron Anderluh	Parking Meters downtown Niagara Falls; DPW manning service lots
David Keegon	Introduced himself as Assemblyman John Ceretto's new Legislative & Constituent Coordinator
Francisco Fernandez	City losing money
Gerald Skrlin	Free speech; 1st amendment
Bob Belton	Road repairs; water between layers on roads that are being resurfaced is not good
Merle Smouse	Blight; City codes; Bed & Breakfast codes need to be reduced & enforced; illegal motels/hostels
Jamie Caldwell	City getting robbed blind; Niagara Falls is one of the most beautiful cities in the World; 72nd St.; City Engineer; Hamister Hotel; Train Station; road conditions
Vince Anello	What amount increase over last years Budget are you willing to tolerate; union contracts; City Workers contract regressing; Health Insurance

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BUFFALO AVENUE REPAVING, CONSULTANT SERVICES, C & S ENGINEERS

Agenda Item #1

A contract for the above reference project was awarded to C & S Engineers, Inc. on July 23, 2007 for professional services and design related tasks.

Change Order #3 is composed of two separate items. The first item is associated with the additional scope tasks associated with the consultant finishing the final design, submitting the PSE to the NYSDOT and creating final Construction Documents (Plans & specifications). The tasks listed were not originally included in the consultants provided services.

- Preliminary Design Alternatives
- Extension to DOT I-190 Project limits (preliminary design)
- Add Alternates
- Extension to DOT I-190 Project limits (final design)
- Sign Text Data Drawings

Total for additional Final Design Tasks $23,487.46

The second item of this Change Order is to add funding for the tasks associated with Construction Support and Construction Inspection Services and related Direct Non-Salary Cost to the consultant current contract.

Total for Additional Construction Support/Inspection Services $249,000.00

Therefore it is the recommendation of the undersign that Change Order #3 in the amount of $272,487.46 be approved.

Please note that the City is receiving and will continue to receive a 80% reimbursement of all project cost from the NYSDOT through the Federal Highway Administration Funding, with an additional 15% reimbursement via the New York State Marchiselli Aid Fund for this project.

Existing funding is available through the original funding Code H0610.2006.0610.000 and the remaining funds transferred to Code H0634.2006.0634.0449.599 previously approved by City Council for this project.

Will the Council vote to so 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 5
Nays 0

APPROVED

PURCHASING DIVISION: REORGANIZATION

Agenda Item #2

The City’s Purchasing Director advises that the Purchasing Division has a vacancy resulting from an employee transferring to another department. This presents an opportunity to create a new position with additional duties and responsibilities which will allow the Department to operate in a more efficient manner. The new position is entitled “Administrative Assistant – Purchasing.” The new title and job description was prepared and approved by the Niagara Falls Civil Service Commission.

This reorganization results in a savings of $128.99. Attached (on file in the City Clerk’s Office) is the proposed reorganization of the Purchasing Division.

Will the Council so approve?

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

Yeas 1
Grandinetti
Nays 4
Scott, Tompkins, Walker, Chairman Touma

DEFEATED

Council Member Tompkins asked why it was in the papers before it was approved & if this is a new position.
Council Member Walker asked if this person, even with the upgrade, is doing work as Purchasing Clerk.
Chairman Touma stated that Purchasing already has a Grade 20 Purchasing Agent & is now looking to upgrade the vacancy to Grade 19 with a $10,000 increase from Step 12 to Grade 19 & the Department can function with a Grade 12.

CONTRACT: TROLLEY SERVICE, NFTA

Agenda Item #3

It is desirable to reinstitute again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. It is recommended that Trolley Service commence on May 13, 2016 and conclude October 30, 2016. During the month of May, 2016, from May 13, 2016 through May 31, 2016, the Trolley Service will operate on weekends only (Friday, Saturday and Sunday) plus May 30, 2016. Trolley service from June 1, 2016 through September 30, 2016 will be on a daily basis. From October 1, 2016 through October 30, 2016, trolley service will be on weekends only (Friday, Saturday, Sunday). From November 1, 2016 through December 31, 2016, NFTA validated passes may be utilized for all metro routes. The cost to the City for this service will be $560,000. This will be subject to the terms and conditions contained in an agreement subject to approval by the Corporation Counsel which will also contain a route for service. Funding is available from the Tourism Fund balance.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

POLICE DEPT.: GUN INVOLVED VIOLENCE ELIMINATION GRANT

Agenda Item #4

The Superintendent of Police advises that the Niagara County law enforcement agencies, including the City of Niagara Falls Police Department ("NFPD"), have been awarded a Gun Involved Violence Elimination ("GIVE") grant in the amount of $696,367.00 to support targeted firearm and violent crime reduction efforts. Attached hereto is a communication from the DCJS outlining the details of this GIVE grant. The NFPD's share of this grant is $349,115.00 and will be spent as per the attached budget (on file in the City Clerk's Office).

Will the Council accept this grant and authorize the Mayor to execute any required documentation and/or agreements in order to accept the grant provided the same are in form and content 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

Council Chairman Touma said the Superintendent & his team should be applauded for their continuance to get Grants.

CONTRACT: POLICE DEPT., POLICE CAPTAINS AND LIEUTENANTS ASSOCIATION, MEMORANDUM OF UNDERSTANDING

Agenda Item #5

As you know, between November 2010 and November 2015, the City of Niagara Falls was a party to a Stipulated Order of Consent with the New York State Office of the Attorney General which required the City to undertake the review and reform of its Police Department policies and procedures. Overall, this process has been a success in that the Police Department has significantly strengthened its policies in the areas of diversity, community policing and use of force and have made a positive impact both in the department and with the general public. These benefits were noted by the office of the Attorney General at the conclusion of the Consent Order.

Unfortunately, in order to implement the departmental changes within the time period required by the Office of the Attorney General, there was no opportunity to negotiate those changes with the City's two Police Unions as required by the Taylor Law. Conflicts arose with the unions in areas where the new departmental practices conflicted with terms contained in their Collective Bargaining Agreements with the City. As a result, the New York State Public Employment Relations Board recently ruled that the City committed an improper practice in a proceeding brought by the Niagara Falls Police Club and supported by the Niagara Falls Police Captains and Lieutenants Association. PERB directed the City to rescind a number of the policy changes made pursuant to the Consent Order; however, doing so would put the City back into the same position that it was in prior to the Consent Order in 2010.

Instead of taking a step backwards, the City met with both the Police Captains and Lieutenants Association and the Police Club to discuss the impact of the PERB decision on the new departmental policies. With encouragement from the Office of the Attorney General, I am pleased to announce that these discussions have been fruitful and that, with cooperation from the unions, the City will be able to continue to utilize the positive policy changes brought about through the Consent Order.

The Agreement that has been attached (on file in the City Clerk's Office) for your consideration is a product of the desire of both the City and the Police Captains and Lieutenants Association to continue the advancement of the Police Department has made in the last five years while maintaining a continuing commitment for agreements reached through collective bargaining. The attached Memorandum of Understanding will accomplish the following:

1. To adequately compensate each member of the PCLA for their role in implementing the Consent Order;
2. To reaffirm the commitment of both parties to the spirit of collective bargaining by allowing the parties to mutually develop departmental policies as required by PERB, and;
3. Allow the City to keep in place the departmental reforms brought about over the last five years without interruption.

While the proposed Agreement will result in a modest financial impact, the provisions of the same allow for a deferral of payments to allow the City financial flexibility over a period of years. However, this financial impact is more than offset by the City's commitment to protect the constitutional rights of our citizens and the promotion of safe and efficient police practices.

Will the Council so approve?

Council Member Walker moved that the communication be Tabled.

Yeas 3

Scott, Tompkins, Walker

Nays 2

Grandinetti, Chairman Touma

TABLED

Motioned was seconded by Council Member Tompkins.

Council Chairman Touma said this is obviously a very detailed item.

EMPIRE STATE DEVELOPMENT: 3625 HIGHLAND AVE., INCENTIVE AWARD

Agenda Item #6

Attached (on file in the City Clerk's Office) is the award letter from Empire State Development for a state incentive of up to $500,000.00 towards the projected 1.5 million dollar cost of the construction and renovation of the 3625 Highland Avenue properties.

Will the Council approve the acceptance of the award and authorize the Mayor to execute the award letter and any other documents necessary to effectuate the award?

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

Yeas	5
Nays	0
	APPROVED

NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #7

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

Attached hereto (on file in the City Clerk's Office) is a letter from NIMAC in this regard. $30,000.00 is available this year for this purpose.

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

Yeas	5
Nays	0
	APPROVED

Council Chairman Touma thanked the Mayor for reducing the amount funded by $10,000.
Mayor Dyster said the City is more responsible than others.
Chairman Touma said other entities should step up to support NIMAC.

PURCHASE: SMALL EQUIPMENT, PUBLIC WORKS

Agenda Item #8

The City's Acting Director of Public Works advises that it is necessary to replace several pieces of small equipment that are heavily used during the spring and summer seasons. The equipment is past its normal useful life and it would be appropriate to be replaced with new equipment (cost of equipment on file in the City Clerk's Office).

Three estimates are being obtained for the small equipment by the Department of Public Works and the Purchasing Agent and the total cost of the purchases is not-to-exceed $27,328.48. 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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: MILLER, DAWN

Agenda Item #9

Date Claim Filed:	May 30, 2014
Date Action Commenced:	February 26, 2015
Date of Occurrence:	February 28, 2014
Location:	2105 Jerauld Avenue
Nature of Claim:	Damages suffered during execution of search warrant
City Driver:	N/A
Status of Action:	Litigation Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$24,500.00
Make Check Payable to:	Hogan Willig, as attorneys for Dawn Miller
Conditions:	Stipulation of Discontinuance and 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: KETCH, VICTOR C.

Agenda Item #10

Date Claim Filed:	December 28, 2015
Date Action Commenced:	N/A
Date of Occurrence:	December 16, 2015
Location:	236 62nd Street
Nature of Claim:	Property damage sustained during tree removal
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1,327.17
Make Check Payable to:	Victor C. Ketch
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

Grandinetti, Scott, Walker, Chairman Touma

Nays 0

Abstain 1

Tompkins

APPROVED

RESOLUTION: BEST MEN IN ENTERTAINMENT, HONORING, 2016-41
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, the City of Niagara Falls, New York wishes to thank Mr. Cedric "The Entertainer" Kyles, Mr. Eddie Griffin, Mr. D.L. Hughley, Mr. George Lopez and Mr. Charlie Murphy for their contribution to the kick-off celebration for Childhood Cancer Awareness with Shawn "Baby Shawn" Kennedy at the First Niagara Center; and

WHEREAS, Mr. Cedric "The Entertainer", Mr. Eddie Griffin, Mr. D.L. Hughley, Mr. George Lopez and Mr. Charlie Murphy's commitment, dedication and love for many phases of life obstacles plays a pivotal role in the Niagara County Region. Their successful efforts and commitment has helped many children in the community; and

WHEREAS, the best men in entertainment are forever thanked from the City of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED, that we, the Niagara Falls City Council does hereby honor the best men in entertainment. They are multi-talented entertainers that has touched the lives of many people throughout the entire world.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: VETERANS MEMORIAL COMMISSION, REQUEST FOR FUNDING
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #13
THIS ITEM WAS PULLED
THERE WAS NO ACTION TAKEN ON THIS ITEM

RESOLUTION: NF EDUCATION FOUNDATION 2016 DISTINGUISHED & EMERGING LEADER ALUMNI HONOREES, 2016-42
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, the Niagara Falls Education Foundation will hold its 6th Annual Scholarship & Alumni Recognition Dinner on April 28, 2016 at Antonio's Banquet & Conference Center, 7708 Niagara Falls Blvd; and

WHEREAS, this event recognizes the strength of the Niagara Falls School District and the outstanding graduates who have made their marks in professional endeavors and affected their community for the better; and

WHEREAS, the following individuals are the 2016 Distinguished & Emerging Leader Alumni honorees:

Jerry Wolfgang, NFHS Class of 1955 – Distinguished Alumni
Joseph "Chubby" Marinello, Sr., NFHS Class of 1960 – Distinguished Alumni
Earl Bass, NFHS Class of 2006 - Emerging Leader

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby extend its congratulations on behalf of all the citizens of the City of Niagara Falls.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NIAGARA TOURISM & CONVENTION CORP'S. "DAY OF APPRECIATION" EVENT, WAIVER OF FEES, 2016-43
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, On May 4, 2016, the Niagara Tourism and Convention Corporation ("NTCC") is hosting a free event at the Conference Center recognizing the hospitality and tourism community employees who work in that industry in the City of Niagara Falls; and

WHEREAS, this event is called a "Day of Appreciation" and will take place on May 4, 2016 from 11:30 a.m. – 3:00 p.m.; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby waive parking fees on May 4, 2016 for hospitality and tourism community employees attending the "Day of Appreciation"; and

BE IT FURTHER RESOLVED, that this waiver of fees for parking will apply in the City owned lot at Rainbow and Third Street (letter on file in the City Clerk's Office) and the surface lot at Third Street and Niagara Street on May 4, 2016 from 11:30 a.m. – 3:00 p.m.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: LASALLE PREP SCHOOL, USE OF OASIS, WAIVER OF FEES, 2016-44
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, the City has received a request (On File in the City Clerk's Office) from a Special Education teacher from the NFCSD to waive the fee charged by DPW for use of the Oasis to allow for a group of ninety-six students with multiple disabilities, some of whom are in wheelchairs, and a variety of other handicapping disabilities, to picnic at the Oasis on Tuesday, June 7, 2016 from 9:30 a.m. to 1:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby waive fees for the picnic planned on June 7, 2016 from 9:30 a.m. to 1:00 p.m. at the Oasis at Hyde Park which will be attended by disabled students from LaSalle Preparatory School.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: MUNICIPAL CIVIL SERVICE COMMISSION, REAPPOINTMENT, 2016-45
BY: COUNCIL MEMBERS, SCOTT, TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #17

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Municipal Civil Service Commission, effective May 31st, 2016, for the term expiring on the date which appears opposite her name:

REAPPOINTMENT:	TERM EXPIRES:
Josephine A. Tavano 953 Lafayette Ave Niagara Falls, NY 14305	05/31/2022

Yeas 4
Scott, Tompkins, Walker, Chairman Touma
Nays 1
Grandinetti
ADOPTED

RESOLUTION: TAX BILLS/WATER AND SEWER BILLS, DUPLICATES, 2016-46
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #18

WHEREAS, the City's Billing and Collection Office causes City, County and School tax bills to be sent to each taxpayer in the City, and the Niagara Falls Water Board ("NFWB") causes water and sewer bills to be sent to each taxpayer in the City; and

WHEREAS, taxpayers regularly come to the Billing and Collection Office to pay tax bills and water and sewer bills, but some are not in possession of the actual bill that the Billing and Collection Office or the NFWB sent to them to pay; and

WHEREAS, when taxpayers come to the Billing and Collection Office to pay a tax bill or water and sewer bill and are not in possession of the actual bill, it is necessary for personnel in the Billing and Collection Office to make duplicate tax bills and duplicate water and sewer bills, as the case may be, so those taxpayers can pay their tax bills and water and sewer bills; and

WHEREAS, it requires staff time and paper in order for staff in the Billing and Collection Office to generate duplicate bills, which has proven to be a time-consuming and costly task.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City Council does hereby impose a charge of $2.00 for each duplicate tax bill and/or duplicate water and sewer bill that must be generated by the Billing and Collection Office staff in order to process those tax and water and sewer bill payments.

Yeas 5
Nays 0
ADOPTED

Council Chairman Touma seconded to Remove from the Table.
Council Member Tompkins seconded to Amending the Item.
Amendment is to have an effective date for charges & except for a single duplicate produced for an owner occupant.

RESOLUTION: MEMORIAL DAY PARADE, CITY AS CO-SPONSOR, 2016-47
BY: ALL COUNCIL MEMBERS

Agenda Item #19

WHEREAS, the 2016 Memorial Day Parade in the City of Niagara Falls is scheduled to take place on Saturday, May 28, 2016; and

WHEREAS, in prior years, the City has served as a co-sponsor of this City wide community event; and

WHEREAS, the City wishes to participate in 2016's Memorial Day Parade as a co-sponsor and contribute certain "in kind" services to this event.

NOW, THEREFORE, BE IT RESOLVED that this City Council hereby declares the City to be a co-sponsor of the 2016 Memorial Day Parade; and

BE IT FURTHER RESOLVED that the City contribute to the Memorial Day Parade the necessary support from the Niagara Falls Police Department, the Niagara Falls Fire Department, and the Department of Parks and Public Works as may be required; and

BE IT FURTHER RESOLVED that the City make its bandstand available for the parade event as may be reasonably required by organizers of the 2016 Memorial Day Parade event.

Yeas 5
Nays 0
ADOPTED

Council Member Tompkins said if it wasn't for the City helping with this Parade, I don't know if we would be able to pull it off. Thankful for the City in helping out.

RESOLUTION: CITY OFFICIAL MAP, DEDICATION OF PUBLIC ROADWAY AREAS, 2016-48
BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, this City Council received a memorandum from City Administrator Donna D. Owens dated March 11, 2016 requesting that the City Council dedicate as public roadway areas for vehicular and pedestrian access from First Street to a parcel of City owned property under contract (the "Property") to be sold to the owner of the Sheraton Hotel which also connects to the Property in a westerly direction from Third Street; and

WHEREAS, a copy of the memorandum from the City Administrator to the City Council without Exhibits is attached hereto together with legal descriptions of the areas to be dedicated as public roadways; as well as a survey showing the same; and

WHEREAS, pursuant to Section 81-e of the City Charter, any such change in the official map of the City showing streets must first be the subject of a public hearing held on at least ten (10) days notice which shall be given by publication in the official newspaper of the City and shall also be subject to a report by the Planning Board; and

WHEREAS, the Planning Board reviewed this matter and recommended approval of the dedicated public roadway areas during its meeting held on April 13, 2016. A copy of the Planning Board recommendation is attached hereto (on file in the City Clerk's Office).

NOW, THEREFORE, this City Council does hereby direct that a public hearing be held during the regularly scheduled City Council meeting at 6:00 p.m. on May 16, 2016, the subject of which shall be the dedication of these areas as public roadways as well as corresponding changes to the official map of the City and that notice of such public hearing be published in the Niagara Gazette no later than May 5, 2016.

Yeas	5
Nays	0
	ADOPTED

CONTRACT: BEECH AVENUE PARK, PURCHASE/DELIVERY OF TREES, SCHICHTEL'S NURSERY, INC.

Agenda Item #21

In 2012, the City of Niagara Falls agreed to sell, and Brightfields, LLC, agreed to purchase the real property formerly known as Tract-1 and Tract-2.

As part of the considerations contained within that Real Estate Purchase and Sale Agreement, and subject to completion of environmental remediation, Brightfields, LLC is to expend no less than $250,000 in the construction of a 5-acre parcel for future park land, such construction to include final grading and seeding this spring. In addition to remediation costs, Brightfields, LLC has already expended in excess of the required $250,000.00 for the new park land.

As the City is responsible for any and all future improvements made to the real property, also referred to as Beech Ave Park, it is purchasing trees for planting on site. Brightfields, LLC has agreed to cover installation as part of their final grading and seeding work on site this spring. In this way new trees and ground cover at the site can be installed in proper sequence, at lower cost, and more importantly in the same planting season.

Schichtel’s Nursery, Inc. is the selected nursery vendor. Cost to purchase and deliver 60 trees, of various types, not to exceed $12,000. See attached schedule (on file in the City Clerk’s Office), dated April 29, 2016.

Funding was approved previously for Beech Ave Park Improvements and is available from H1318.2014.1318.0449.599.

Will the Council approve and authorize the Mayor to execute the necessary agreements, in the form acceptable to the Corporation Council?

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 Touma adjourned the Meeting at 7:45 P.M.

Carol A. Antonucci
City Clerk

The first session of the May 16, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:06 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Council Member Grandinetti moved to approve the Minutes from the Council Meeting of May 2, 2016

Yeas	5
Nays	0
	APPROVED

Council Member Grandinetti moved to amend the Agenda to vote on Item #14 at this time.

Yeas	5
Nays	0
	MOTION TO AMEND AGENDA APPROVED

RESOLUTION: O'DONNELL, THOMAS M., RECOGNITION, 2016-49
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, the Honorable Jacqueline Koshian served with particular distinction as the first female member of the Corporation Counsel's office and the first female City Court Judge in the City of Niagara Falls; and

WHEREAS, in addition to her exceptional level of skill as both an attorney and a jurist, Judge Koshian was also well known for her efforts to promote the legal profession and her work with numerous charitable and not-for-profit organizations; and

WHEREAS, the Niagara County Bar Association annually awards The Hon. Jacqueline Koshian Service Award to an attorney who embodies Judge Koshian's legacy by promoting the legal profession and performing charitable work; and

WHEREAS, First Deputy Corporation Counsel Thomas M. O'Donnell has provided over twenty-five years of service in the Corporation Counsel's office and has also donated significant amounts of his time to charitable and not-for-profit organizations, including the Ancient Order of Hibernians, the Boy Scouts of America and the Old Fort Niagara Association amongst others; and

WHEREAS, on May 6, 2016, the Niagara County Bar Association presented The Hon. Jacqueline Koshian Service Award to Thomas M. O'Donnell in recognition of his service to both the legal profession and charitable entities.

NOW THEREFORE BE IT RESOLVED, that First Deputy Corporation Counsel Thomas M. O'Donnell be recognized for receiving this prestigious award and for his outstanding service to the City and the community.

Yeas	5
Nays	0
	ADOPTED

Chairman Touma read the Resolution and the Council Members presented a copy of the Resolution to Mr. O'Donnell.

Purchasing Agent Johnny Destino spoke on Agenda Item #8, relative to awarding the Bid for the Landscaping of Medians. He gave a Presentation on the plants that will be used, and said that the City is working with the Water Board to bring water lines to the areas to be planted.

Community Development Director Seth Piccirillo spoke on the 2016 Parks and Youth Projects, giving a Presentation on new equipment/upgrades for the Parks in the City and the Skate Park, and thanked the Council for their support. Mayor Paul Dyster commended Mr. Piccirillo on his efforts to make the City Parks more attractive for our residents. Council Member Walker inquired about maintenance duties at the new Skate Park, and Mr. Piccirillo responded that the Park would not require too much maintenance, but DPW employees would take care of it. Civil Engineer III Robert Buzzelli spoke on the playground installation at D'Amelio Park (Agenda Item #17). Council Member Walker asked about repairs to the fence at that Park, and Deputy Corporation Counsel Thomas O'Donnell said that he would check into the insurance company providing funding for the repairs.

Mayor Dyster reported that the City is in contact with the Seneca Nation of Indians regarding the Nation's gas station Project, and Chairman Touma added that the Council would be adopting a Resolution to ask that the Project be stopped (Agenda Item #20).

Council Member Tompkins inquired about the parking meters, and City Administrator Donna Owens responded that the meters would be delivered today, and are scheduled for installation on May 19.

Chairman Touma reported that he and Mayor Dyster had met with Niagara Helicopter regarding the noise issue in the DeVeaux area. He said that the FAA had intervened, and a new route map for the helicopters was created, and they cannot fly over the American side.

Chairman Touma said that less funding is available this year for road reconstruction, and Mayor Dyster added that if the City gets back some of the money that was spent on the 72nd Street Project, it will be used for additional road repairs.

Mayor Dyster informed the Council Members that the Discover Niagara app is now up and running for visitors use. Also, the Trolley will begin its run on May 20.

Council Member Tompkins inquired about the number of manhole covers that are being marked, and Mr. Buzzelli said that they are marked to be changed or cleaned, and he will check into this.

Chairman Touma asked if there was an update on the City's application to the Financial Restructuring Board, and Mayor Dyster responded that no further information has been received.

Chairman Touma inquired about bonding for road reconstruction and updates to the City's fleet, and Mayor Dyster said that due to declining Casino revenues, the City had to go to the Bond Market to cover these costs, and, in the future, the City will have to consider whether to continue to bond for the costs of to "pay as you go".

Council Member Scott informed the Council Members about a phone app that will allow citizens to take a picture of a problem – sidewalk, road, garbage – and forward it to the City's website for notification of complaints.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #8 and four Items to be added to the Agenda:

1. Council Member Grandinetti moved to amend Agenda Item #8 relative to awarding the bid for landscaping of medians by changing the Bid # from Bid #2016-04 to Bid #2016-18.

Yeas 5
Nays 0

MOTION TO AMEND APPROVED

2. A communication relative to approval of the Letter of Award for playground installation at D'Amelio Park.

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

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #17.

3. A communication relative to sale of 3543 Ferry Avenue.

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

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #18.

4. A Resolution relative to welcoming the Rev. Dr. Silvester Beaman.

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 #19.

5. A Resolution relative to calling on the Governor's Office to stop the Seneca Nation of Indians from constructing its Energy Station.

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 #20.

Council Member Grandinetti moved to remove from the Table, the Memorandum of Understanding between the City and the Police Captains & Lieutenants Association (Agenda Item #3).

Yeas 5
Nays 0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

Council Member Walker asked if the City had calculated the costs to implement the Memorandum of Understanding between the City and the Police Captains and Lieutenants Association. Mayor Dyster responded that some costs could be calculated now, and other costs would have to be calculated as retirements occurred. Council Member Walker then asked why these changes were not negotiated, and Mayor Dyster responded that the City was operating under the Attorney General's Consent Decree. Superintendent of Police Bryan DalPorto also answered questions from the Council Members, and a lengthy discussion followed.

This Session ended at 6:20 PM

Chairman Touma reconvened the Meeting at 6:40 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Chairman Touma and led the gathering in the Pledge of Allegiance to the Flag.

Chairman Touma announced a Special Order of Business, a Public Hearing relative to the dedication of a new road running East from 1st Street North of Old Falls Street and running West from 3rd Street South of Niagara Street as public roadways as well as corresponding changes to the Official Map of the City, and asked if there were any speakers relative thereto. There were no speakers.

OFFICIAL CITY MAP, DEDICATION OF PUBLIC ROADWAY AREAS
Agenda Item #16

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

Yeas	5
Nays	0
	APPROVED

NO PAPERWORK PROVIDED TO THE CLERK'S OFFICE FOR THIS ITEM

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

Ron Anderluh	Agenda Items #4, #6
Diane Tattersall	Agenda Items #6, #7, #10
Tim Huether	Agenda Items #12, #13
Robert Ventry	Agenda Items #3, #10
Jamie Caldwell	Agenda Item #10
Vince Anello	Agenda Items #3, #12, #13
Robert Ventry	City needs to spend more money on sidewalk & road repairs; City needs to advertise vacancies on various Boards
Merle Smouse	Stop illegal B & B's; conditions in Historical District; problems with paving equipment
Jamie Caldwell	Encourage citizens to vote at School Board Election; re-cycling/garbage issues & need more Bulk pickups; condition of area surrounding Train Station
Bill Carroll	Thanked Administration & all those helping with Memorial Day Parade
Vince Anello	Water Board issues; City should consider using Hamister Hotel site for parking

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF APRIL 2016
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S CLAIMS FOR THE MONTH OF APRIL 2016
Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: POLICE DEPT., POLICE CAPTAINS AND LIEUTENANTS ASSOCIATION, MEMORANDUM OF UNDERSTANDING

Agenda Item #3

As you know, between November 2010 and November 2015, the City of Niagara Falls was a party to a Stipulated Order of Consent with the New York State Office of the Attorney General which required the City to undertake the review and reform of its Police Department policies and procedures. Overall, this process has been a success in that the Police Department has significantly strengthened its policies in the areas of diversity, community policing and use of force and have made a positive impact both in the department and with the general public. These benefits were noted by the office of the Attorney General at the conclusion of the Consent Order.

Unfortunately, in order to implement the departmental changes within the time period required by the Office of the Attorney General, there was no opportunity to negotiate those changes with the City's two Police Unions as required by the Taylor Law. Conflicts arose with the unions in areas where the new departmental practices conflicted with terms contained in their Collective Bargaining Agreements with the City. As a result, the New York State Public Employment Relations Board recently ruled that the City committed an improper practice in a proceeding brought by the Niagara Falls Police Club and supported by the Niagara Falls Police Captains and Lieutenants Association. PERB directed the City to rescind a number of the policy changes made pursuant to the Consent Order; however, doing so would put the City back into the same position that it was in prior to the Consent Order in 2010.

Instead of taking a step backwards, the City met with both the Police Captains and Lieutenants Association and the Police Club to discuss the impact of the PERB decision on the new departmental policies. With encouragement from the Office of the Attorney General, I am pleased to announce that these discussions have been fruitful and that, with cooperation from the unions, the City will be able to continue to utilize the positive policy changes brought about through the Consent Order.

The Agreement that has been attached (on file in the City Clerk's Office) for your consideration is a product of the desire of both the City and the Police Captains and Lieutenants Association to continue the advancement of the Police Department has made in the last five years while maintaining a continuing commitment for agreements reached through collective bargaining. The attached Memorandum of Understanding will accomplish the following:

1. To adequately compensate each member of the PCLA for their role in implementing the Consent Order;
2. To reaffirm the commitment of both parties to the spirit of collective bargaining by allowing the parties to mutually develop departmental policies as required by PERB, and;
3. Allow the City to keep in place the departmental reforms brought about over the last five years without interruption.

While the proposed Agreement will result in a modest financial impact, the provisions of the same allow for a deferral of payments to allow the City financial flexibility over a period of years. However, this financial impact is more than offset by the City's commitment to protect the constitutional rights of our citizens and the promotion of safe and efficient police practices.

Will the Council so approve?

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

Yeas 3

Grandinetti, Tompkins, Chairman Touma

Nays 2

Scott, Walker

APPROVED

Council Member Tompkins said he is not thrilled to approve this but if it goes to arbitration, it will cost the taxpayers much more.
Council Member Walker said the City should have negotiated before it got to this point & this payout is not fair to the taxpayers.
Chairman Touma said the Consent Decree had a positive affect & that outweighs the expenditures involved.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

HOMESTEAD AND NON-HOMESTEAD PROPORTIONS

Agenda Item #4

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached (on file in the City Clerk's Office) referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached percentages and proportions?

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

Yeas 5

Nays 0

APPROVED

CONTRACT: CONSULTANT SERVICES, ICE RINKS, DIDONATO ASSOCIATES

Agenda Item #5

In 2010 the City of Niagara Falls hired DiDonato Associates, P.C. for the first phase of major renovations at the Hyde Park Ice Pavilion. Since then we have completed four phases. The last phase of construction addressed the rinks and piping systems, but not our original 1970's refrigeration plant Power and Controls Systems. The City has been maintaining the current plant, but the age of the equipment has led to continuous man hours of maintenance and repairs, to the point that the current system has failed leading to disruption of ice for our tenant.

We have the opportunity once again to phase in work during the slow time of summer and with very long lead times anticipated for equipment deliveries. We respectfully ask to bring aboard DiDonato Associates to design, bid and award, and provide Construction Services throughout this project.

Based on their previous experience, knowledge of the facility and reasonable fee scale, it is the recommendation of the undersigned that this project be awarded to DiDonato Associates at its Proposal Price of $20,800.00. Funding is available through a Bond Resolution approved by Council for the previous Phase of Ice Rink work.

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

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

Yeas 5

Nays 0

APPROVED

Chairman Touma said the funding is needed to start working on this now.

CONTRACT: SKATE PARK CONSTRUCTION, PINTO CONSTRUCTION SERVICES

Agenda Item #6

The following table is the result of construction bids received on April 20, 2016 for the above referenced project. An advertisement for bid was published in the Niagara Gazette on March 23, 2016.

Contractor	Bid
Pinto Construction Services, Inc.	$517,138.96
Sicoli & Massaro Inc.	$727,700
Walter S. Johnson Building Co., Inc.	$557,700

It is the administration's recommendation that the construction contract be awarded to the lowest bidder, Pinto Construction Services, Inc., at the negotiated price of $494,000. Without any major scope change, the low bidder agreed to reduce the total project cost by $23,138.96. It is important to note that the Niagara Falls Skate Park Construction Project will not require any municipal, general fund or casino capital fund revenue. The entire project will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) funds and Tony Hawk Foundation (THF) grant funds.

The concrete skate park will be located within Hyde Park, off of Hyde Park Blvd., south of the John Duke Senior Center parking lot. The location is consistent with Crime Prevention through Environmental Design (CPTED) principles, and is centrally located as to be easily accessible to all Niagara Falls neighborhoods. The project was planned in strong partnership with the Niagara Falls Youth Bureau, and also sought input from the Niagara Falls Police Department and the Department of Public Works. The Niagara Falls Community Development Department (CD) began a public participation process to plan a Niagara Falls Skate Park in August 2014, after approximately 20 years of community discussion and advocacy for such a facility. Over 600 (428 electronic/180 written) individuals signed a petition in support of the project between August 2014 and July 2015, CD hosted three community planning meetings, and the public has also had the opportunity to comment on the project's CDBG funding at the 2015 Community Development public hearing and/or the 30 day written comment period. The Niagara Falls City Council approved the Niagara Falls Skate Project as part of the 2015 CDBG Action Plan in November 2014, and approved a design contract in March 2015. In August 2015, CD was also awarded a $10,000 THF grant for the construction of the skate park, as a result of a competitive application submitted to the foundation in June 2015.

Project Planning Timeline

- August 12, 2014 – Skate Park Planning Meeting #1
- August 18, 2014 – Skate Park included in draft 2015 CDBG Budget
- October 24, 2014 – Skate Park Planning Meeting #2
- November 10, 2014 – City Council approves 2015 CDBG Budget
- March 3, 2015 – Niagara Falls City Council approves Spohn Ranch design contract
- April 16, 2015 – Spohn Ranch Community Design Meeting
- December 18, 2015 – City receives authorization to spend CDBG funds
- March 2016 – Final design and bid documents completed
- March 23, 2016 – Construction advertised for bid
- April 20, 2016 – Construction bids opened

In accordance with HUD guidance, the City of Niagara Falls is able to access unprogrammed CDBG funds to assist the completion of an approved CDBG project. During final design, the city anticipated high bids due to New York State prevailing rate requirements. In preparation of these higher costs, CD has arranged for the use of unprogrammed CDBG funds, and remaining funds from projects completed under budget, to complete the skate park project without adversely impacting our total program of projects.

The Niagara Falls Skate Park is part of CD and the City of Niagara Falls' continuing effort to increase and improve youth facilities and services in our community. In 2016, the CDBG Program will improve the Hyde Park Playground, the Hyde Park Little League baseball diamonds, 70th Street Park, Gill Creek Park and Jerauld Avenue Park. In addition, the Niagara Falls Engineering Department is planning playground improvements at Center Court Park.

Will the Council vote to so approve and authorize the Mayor to execute a contract with Pinto Construction Services, Inc., in a form acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said the residents & youth of the City have been heard.

PURCHASE: PLAYGROUND EQUIPMENT AND SAFETY SURFACING, HYDE PARK, GAMETIME PLAYGROUND EQUIPMENT

Agenda Item #7

It is the administration's recommendation that the purchase of Hyde Park Playground equipment and the purchase and installation of Hyde Park Playground safety surfacing should be purchased via the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. GAMETIME Playground Equipment is a qualified vendor as part of the statewide contract (NYS CONTRACT PC 66669). The total amount that the Niagara Falls City Council is being asked to authorize is $190,580.76 as detailed below.

Item	Cost
Equipment Purchase	$94,618.76
Safety Surfacing and Installation	$95,962
Total	**$190,580.76**

The Hyde Park Playground Project will not require any municipal general fund or casino capital fund revenue. The entire project, including the purchase of equipment and installation, will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) grant funds, Niagara River Greenway grant funds ($47,000) and Dr. Pepper/Snapple – KaBOOM! Let's Play Community Construction grant funds ($15,000).

The Hyde Park Playground will replace the existing, outdated facility, and will be located within Hyde Park, off of Robbins Drive, approximately 50 yards from the Robbins Drive parking lot. The location is consistent with Crime Prevention through Environmental Design (CPTED) principles, and is centrally located, so as to be easily accessible to all Niagara Falls neighborhoods. The project was planned in strong partnership with the Niagara Falls Youth Bureau, and input was also sought from the Niagara Falls Police Department and the Department of Public Works. The playground consists of five separate pods, organized by age groups, each including safety surfacing and surrounding bench seating. The playground is easily visible from both the Robbins Drive parking lot, Robbins Drive itself, and surrounding park shelters. The current isolated location makes it harder to monitor and to reach, as there are no connecting sidewalks.

The Niagara Falls Community Development Department (CD) partnered with the Niagara Falls Youth Bureau Board to plan this playground over the past two years, and CD and the public have had the opportunity to comment on the project's CDBG funding at the 2015 Community Development public hearing and/or the 30 day written comment period. The Niagara Falls City Council approved the Niagara Hyde Park Playground as part of the 2015 CDBG Action Plan in November 2015. In Spring 2015, the City of Niagara Falls was awarded a $47,000 Niagara River Greenway grant for playground construction as part of a comprehensive Hyde Park improvement application. In August 2015, the City of Niagara Falls was also awarded a $15,000 grant for the construction of the Hyde Park Playground, as a result of a competitive application submitted to the Dr. Pepper/Snapple – KaBOOM! Let's Play Community Construction Grant Program. Beyond the aforementioned purchase of equipment and purchase installation of safety surfacing, final equipment installation will be bid, per municipal procurement law, and funded with CDBG funds.

The Hyde Park Playground Project is part of CD and the City of Niagara Falls' continuing effort to increase and improve youth facilities and services in our community. An improved playground at Hyde Park is consistent with the adopted Niagara Falls Parks Master Plan. In 2016 alone, the CDBG Program will improve the Hyde Park Playground, the Hyde Park Little League baseball diamonds, create a Niagara Falls Skate Park, improve 70th Street Park, Gill Creek Park and Jerauld Avenue Park. In addition, the Niagara Falls Engineering Department is planning playground improvements at Center Court Park.

Hyde Park is the city's signature public green space and the second largest municipal park in New York State, second only to Central Park. It is centrally located, and accessible to children and parents from throughout Niagara Falls. A modern playground, as well as the other capital projects happening within the Hyde Park, will enhance the public space and provide our young people with constructive activities.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the purchase and limited installation of this equipment, in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0

APPROVED

CONTRACT: LANDSCAPING OF MEDIANS, VILLANI'S LAWN AND LANDSCAPE, LLC

Agenda Item #8

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

TO: Villani's Lawn & Landscape, LLC
6405 Packard Road
Niagara Falls, NY 14304

FOR: Landscaping and maintenance of the medians along

Niagara Street, John B. Daly Boulevard, Rainbow Boulevard and the Traffic Circle: $ 48,520.00

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Four (4) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Gardenville Landscape & Nursery LLC ($ 49,321.00,) Beau Enterprises, Inc. ($ 67,374.00) and J.F. Krantz Nursery, Inc. ($ 68,750.00.)

Funds for this expenditure are available in H1313.2013.1313.0449.599.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

Chairman Touma said this work should have been done by now & he would have liked to have seen it done in March.

CONTRACT: MEALS FOR PRISONERS, PSNF INC. d/b/a MCDONALD'S

Agenda Item #9

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

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

FOR: Meals for prisoners at the Municipal Services Building:

Breakfast (est. 3,000)	$1.00
Lunch (est. 6,700)	$1.65
Supper (est. 2,200)	$1.65
Diabetic Request (est. 10)	$ .50

(unit price for diabetic request is added to the unit price of meal when purchased)

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Two (2) bids were received. Frankie's Donuts submitted a bid of $ 1.00 for breakfast, $ 1.75 for lunch, $ 1.75 for supper and $1.75 for diabetic request. The above referenced company submitted the lowest bid. This contract will be in effect for one year from date of award and has the ability to renew for two (2) additional years upon availability of funds and City Council approval.

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

Council Member Grandinetti said she would rather see this bid go to a local vendor & there have been issues with this Vendor.
Chairman Touma said the issues with this Vendor have been resolved & this was the low bidder.

PUBLIC WORKS DEPT.: IN-HOUSE PAVING PROGRAM, FUNDING

Agenda Item #10

Funds are available for the 2016 In-House Paving Program from the 2014 Casino Revenue local share in the amount of $382,554.00 and also from 2014 non-discretionary portion pursuant to 99-H of the State Finance Law in the amount of $781,181.00 for a total of $1,163,735.00. These dollars will be transferred to Code H0812.2008.0812.0449.599 in the amount of $203,000.00 and an additional transfer to Code H0812.2008.0812.0419.006 in the amount of $960,735.00.

There will be an additional amount of CHIPS funding available in the amount of $962,689.00. Those dollars will be transferred to the following codes: H0316.2016.0316.0449.599 in the amount of $175,000.00 and Code H0316.2016.0316.0419.006 in the amount of $787,689.00.

Funding is available as described above. Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

Chairman Touma said the City is spending less on this Program this year due to less Casino money received.

N.F.C. DEVELOPMENT CORP., OPERATING BUDGET

Agenda Item #11

Attached (on file in the City Clerk’s Office) is the 2016 administrative budget for N.F.C. Development Corp. approved by the NFC board of directors. As you can see, the budget requires a transfer of $95,000.00 of casino revenues from the City Council in order to meet the budgeted expenses.

Will the Council vote to approve transfer of $95,000.00 of casino revenues to N.F.C. Development Corp. for the 2016 NFC administrative budget as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: MUNICIPAL HEALTH INSURANCE CONSORTIUM, STUDY, FUNDING 2016-50
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #12

WHEREAS, the Greater Niagara Orleans County Municipal Health Insurance Consortium Study currently consists of twenty-six municipal entities throughout Niagara and Orleans Counties; and

WHEREAS, the Consortium's goal is to reduce overall health care costs to municipalities through purchasing health insurance jointly; and

WHEREAS, an initial comprehensive review was completed by Arthur J. Gallagher & Co. showing that significant savings could accompany the joint purchasing of health insurance through the Consortium, thereby potentially reducing the overall operating costs to municipalities; and

WHEREAS, the Consortium, if adopted, could provide relief to taxpayers through efficiency and leverage provided by the Consortium; and

WHEREAS, by a consensus vote of the Consortium's Ad Hoc Committee comprised of participating municipalities, it was directed that the Town of Somerset, as lead agency for the participating members, apply for a $250,000.00 grant from the New York State Department of State to further study the Consortium; and

WHEREAS, the twelve towns in Niagara County, who are all participating members in this project, each contributed $417.00 to date towards the cost of the grant writer to pursue the state grant; and

WHEREAS, the Consortium was successful in that the state grant was awarded and the Town of Somerset was designated as the lead agency for administering the grant; and

WHEREAS, as a condition to the Department of State's $250,000.00 grant, the recipient must provide matching funds equal to 10% of the overall grant total; and

WHEREAS, the Town of Somerset, as the lead agency, is responsible for providing the $25,000.00 in matching funds as required by the New York State Department of State; and

WHEREAS, by consensus vote of the Consortium's Ad Hoc Committee, it was agreed that participating municipalities would equally reimburse the Town of Somerset for the matching funds required to be paid by the Town of Somerset for this grant; and

WHEREAS, at this time and during the grant process, there is no obligation of any municipality to join the Consortium upon its final implementation; and

WHEREAS, in order to completely evaluate the full costs and benefits of a Consortium, it is essential that the grant project continue until its conclusion; and

WHEREAS, the Town of Somerset will seek reimbursement, on a quarterly basis, from the State for services and expenses rendered under this Grant, in which the State will deduct the matching grant portion; and

WHEREAS, the Town of Somerset will then submit quarterly to each participating municipality a voucher for its portion of the matching grant share; and

WHEREAS, this municipality is one of the entities participating in this project and may benefit from the Consortium study and potential implementation; and

NOW THEREFORE BE IT RESOLVED, that in the spirit of cooperation, the City of Niagara Falls agrees that the cost of the matching amount borne by the Town of Somerset shall be allocated amongst the current twenty-six participating municipalities in equal shares, with each Niagara County town who contributed towards the cost of the initial grant writer receiving a $417.00 deduction from this equal share in order to ensure that each entity contributes an identical amount towards this project; and be it further

RESOLVED, the City of Niagara Falls does hereby authorize payment to reimburse the Town of Somerset in an amount not to exceed a total of $1,154.00 over a two-year period, in quarterly reimbursements, not to exceed $288.50 for the City's share of the grant matching funds for this project; and be it further

RESOLVED, that if any additional municipal entity joins this Consortium study, then the City of Niagara Falls recognizes that the aforementioned reimbursements will be adjusted downward accordingly.

Yeas 4
Scott, Tompkins, Walker, Chairman Touma
Nays 1
Grandinetti

ADOPTED

Council Members Tompkins, Walker & Chairman Touma said we need to look into what the savings will be.

RESOLUTION: MUNICIPAL HEALTH INSURANCE CONSORTIUM, PARTICIPATION 2016-51
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, the Greater Niagara Orleans County Municipal Health Insurance Consortium Study currently consists of twenty-six municipal entities throughout Niagara and Orleans Counties; and

WHEREAS, the Consortium's goal is to reduce overall health care costs to municipalities through purchasing health insurance jointly; and

WHEREAS, an initial comprehensive review was completed showing that significant savings could accompany the joint purchasing of health insurance through the Consortium, thereby potentially reducing the overall operating costs to municipalities; and

WHEREAS, the Consortium, if adopted, could provide relief to taxpayers through efficiency and leverage provided by the Consortium; and

WHEREAS, that based on the information given to this Council on May 3, 2016, the City of Niagara Falls may benefit from the Consortium study and potential implementation; and

NOW THEREFORE BE IT RESOLVED, that the City of Niagara Falls commits to participate with other government and municipal entities to study the feasibility of forming a Greater Niagara Orleans County Municipal Health Insurance Consortium.

Yeas 4
Scott, Tompkins, Walker, Chairman Touma
Nays 1
Grandinetti

ADOPTED

RESOLUTION: O'DONNELL, THOMAS M., RECOGNITION, 2016-49
AGENDA ITEM #14 WAS ADOPTED AT THE WORK SESSION

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, 2016-52
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, there is currently a vacant seat on the Niagara Falls Tourism Advisory Board, due to the resignation of Mr. Mark Mistriner.

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Tourism Advisory Board, effective immediately.

APPOINTMENT	TERM EXPIRES:
Anas A. Mangla 6961 Plaza Drive Niagara Falls, NY 14304	12/31/2016

Yeas 5
Nays 0

ADOPTED

OFFICIAL CITY MAP, DEDICATION OF PUBLIC ROADWAY AREAS
Agenda Item #16 ACTED ON AT THE BEGINNING OF MEETING

CONTRACT: D'AMELIO PARK, PLAYGROUND INSTALLATION, GARDENVILLE LANDSCAPE & NURSERY LLC

Agenda Item #17

The following were the result of bids received on May 10, 2016 for the above referenced project:

CONTRACTOR	BASE BID
Gardenville Landscape & Nursery LLC 3069 Clinton St. West Seneca NY 14224	$56,318.60
Titan Development Inc.	$67,850.00
Yarussi Construction Inc.	$87,200.00
Scott Lawn Yard	$93,710.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Gardenville Landscape & Nursery, Inc. at their total bid of $56,318.50. Funding is available in 1610.2016.1610.0449.599 transferred from Casino funds.

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

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

Yeas 5
Nays 0
APPROVED

Chairman Touma said this is a new park for the children in the area.

HOMEOWNERSHIP AUCTION: 3543 FERRY AVENUE

Agenda Item #18

Mr. Jack Chapek was the successful bidder at $12,000.00 for the purchase of 3543 Ferry Avenue at the Homeownership Auction. Mr. Chapek has submitted a rehabilitation plan to correct Code violations. The Planning Board recommended approval of the sale. The recommendation is attached On file in the City Clerk's Office).

The home at 3543 Ferry Avenue is a 1272 square foot Cape Cod style house built in 1949 on a 45' X 102' lot on the south side of Ferry Avenue. The property is assessed for $45,000.00. The SBL number is 159.36-1-9. If the sale is approved, Mr. Chapek must complete rehabilitation of the property in one year and must reside on the property as his principal residence for 5 years.

Will the Council accept this as a walk on agenda item, vote to approve sale if 3543 Ferry Avenue as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: BEAMAN, REV. DR. SILVESTER, WELCOMING, 2016-53
BY: ALL COUNCIL MEMBERS

Agenda Item #19

WHEREAS, The City of Niagara Falls wishes to welcome the Rev. Dr. Silvester S. Beaman "home" for a citywide celebration on Thursday, May 19th at 6:30 p.m. at St. John AME Church, 917 Garden Avenue, Niagara Falls. Rev. Beaman will preach at the event; and

WHEREAS, Rev. Beaman is a native Niagarian and a 1978 graduate of Niagara Falls High School. Rev. Beaman grew up on the city's north side and sang tenor in the St. John AME Church Youth/Young Adult Choir and preached from several local pulpits; and

WHEREAS, Rev. Beaman went on to earn his baccalaureate degree with honors from Wilberforce University. In 1985, he achieved his Master of Divinity degree, as a Mary McCloud Bethune Scholar from Boston University School of Theology and in 2012, he earned his Doctorate of Ministry degree in Transformational Leadership from Payne Theological Seminary/Bakke Graduate School; and

WHEREAS, Rev. Beaman later went on to be a close confidant to a sitting Vice President of the United States of America, counsel three Governors of the State of Delaware and serve on their transition teams, offer prayers in both the United States Senate and the House of Representatives, serve on the World Methodist Counsel Executive Committee, General Board of the African Methodist Episcopal Church and be inducted into the Morehouse College Rev. Dr. Martin Luther King, Jr. Board Preachers; and

WHEREAS, Serving as Pastor of Bethel Methodist Episcopal Church since 1993, Rev. Beaman's commitment to ministry is evident by the establishment of the AIDS Task Force, men's, women's, and senior citizen ministries, youth mentoring programs and a community evangelism outreach program. Rev. Beaman also established the Beautiful Gate Outreach Center ministries – a full service provider to individuals who are living with HIV/AIDS and their families. This ministry is internationally recognized and has been featured on CNN News. He also created Bethel Helping Caring Hands, a nonprofit organization established exclusively for charitable, religious and/or educational purposes.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby welcome Rev Dr. Silvester S. Beaman "home" to St John AME Church and look forward to his many contributions to our great city through his ministerial work.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: ENERGY STATION, SENECA NATION OF INDIANS, 2016-54
BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, the Seneca Nation of Indians has commenced construction of an "energy station" which consists of a gas and electric refueling station together with a convenience store on Seneca Nation land located on Niagara Street near the intersection of Daly Boulevard in the City of Niagara Falls, New York; and

WHEREAS, this Seneca Nation of Indians project first surfaced in 2012 when the Seneca Nation of Indians issued a request for proposals for the planning and design of an upscale convenience store and gas station; and

WHEREAS, upon learning of the issuance of this request for proposals, Governor Cuomo's office forwarded correspondence to Robert O. Porter, then President of the Seneca Nation of Indians, advising that there was language in the Compact between the Seneca Nation of Indians and the State of New York which stated that the gaming facility site would "be utilized for gaming and commercial activities traditionally associated with the operation or conduct of a casino facility." and

WHEREAS, this correspondence, dated August 9, 2012 and signed by Howard B. Glaser, Director of State Operations, a copy of which is attached hereto, stated that the inclusion of that language was "clearly intended to insure that local businesses would not be placed at a competitive disadvantage, most certainly encompasses the potential activity." and

WHEREAS, on or about March 15, 2016, after learning that the Seneca Gaming Corporation intended to open an upscale convenience store and gas station on lands of the Seneca Nation of Indians in the City of Niagara Falls, Robert Williams, Special Assistant Counsel to Governor Cuomo, corresponded with Maurice A. John, Sr., President of the Seneca Nation of Indians to advise that "Mr. Glaser advised that the Nation-State Gaming Compact between the Seneca Nation of Indians and the State of New York, Paragraph (11)(b)(1) precluded such development;" and

WHEREAS, a copy of this March 15, 2016 correspondence is attached hereto (on file in the City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Governor Cuomo's Office take whatever action is necessary, including but not limited to legal action, in order to cause the Seneca Nation/Seneca Gaming Corporation to immediately cease construction of this gas station and convenience store located on the property of the Seneca Nation of Indians; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to Andrew M. Cuomo, Governor of the State of New York, Robert G. Ortt, State Senator and John Ceretto, Assemblyman.

Yeas 5
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:40 P.M.

Carol A. Antonucci
City Clerk

Veterans Memorial Commission, funding 109
"W"
Water Board 89, 98
Williams, Ada, honoring 26
"X"
"Y"
Youth Board, reappointment/appointments 13
"Z"
Zoning Board of Appeals, reappointments/appointments 12

The first session of the May 31 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:10 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Council Member Walker moved to approve the Minutes from the Council Meeting of May 16, 2016.

Yeas 5
Nays 0
APPROVED

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

1. A Resolution relative to waiver of bandstand fee for the Youth Motivation Movement, Inc. Youth Gathering Event.

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

Yeas 3
Grandinetti, Scott, Tompkins
Nays 2
Walker, Touma
MOTION FAILED – 4 AFFIRMATIVE VOTES NEEDED TO ADD ITEM TO AGENDA

2. A Resolution relative to supporting the effort to proclaim National Children's Day in the City of Niagara Falls.

Council Member Grandinetti 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 recognition of Niagara County Sheriff's Deputy Joseph Tortorella.

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 #22.

4. Council Member Grandinetti moved to amend Agenda Items #15, #20 by adding all Council Members names as sponsors to the Resolutions.

Yeas 5
Nays 0
MOTION APPROVED

RESOLUTION: TORTORELLA, JOSEPH, DEPUTY, RECOGNITION, 2016-55
BY: ALL COUNCIL MEMBERS

Agenda #22

WHEREAS, on Monday, May 12, 2016, Deputy Joseph Tortorella received the Presidential Medal of Valor from President Obama; and

WHEREAS, Tortorella was one of only five law enforcement officers selected by the U.S. Department of Justice and the U.S. Attorney General's Office to receive the honor; and

WHEREAS, On April 17, 2015 Tortorella responded to a 911 hang-up call at a residence in Wheatfield. While investigating the source of the call, he was confronted by an armed male who had just shot both of his parents. The man came out of his house and exchanged shots with Tortorella at a distance of no more than 10 to 12 feet. Tortorella was struck in his ballistic vest during the shooting. He was able to contact police dispatch over the radio during the incident to alert the neighboring Errick Road Elementary School to lock down; and

WHEREAS, Tortorella was recently named one of Niagara's County's 2016 Law Enforcement Officers of the Year, He was also named the New York State Deputy Sheriff of the Year by the New York State Sheriffs' Association and was one of only four finalists up for recognition by the International Association of Chiefs of Police to be named Police Officer of the Year last year.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, NY, does hereby recognize Niagara County Sheriff’s Deputy Joseph Tortorella for his timely and heroic efforts.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: JUNIOR GOLF TOURNAMENT, CHANGING NAME, 2016-56
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, the City of Niagara Falls will hold its 39th Annual Kids Junior Golf Tournament on Tuesday, August 16, 2016 at the Hyde Park Golf Course, in honor of Mr. Kenneth Ruggiero; and

WHEREAS, Mr. Kenneth Ruggiero, who died on June 7, 2015, fell in love with Niagara Falls after leaving his hometown of Westbury, Long Island to attend college at Niagara University. He earned his Bachelor’s Degree in Physical Education and a Masters in Special Education. Mr. Ruggiero and his former wife, Kathy Taibi Ruggiero, raised three sons: Ken Jr., Kevin, and Kris. A deeply spiritual man, Ken loved God, his family, his children, and golf. He was a proud and devoted “Papa” to four grandchildren. Blessed with a wonderful wit and the gift of gab, as an adult Mr. Ruggiero embraced a youthful zest for life, often being sought by the neighborhood children to play sports; and

WHEREAS, Mr. Ruggiero taught physical education at many local schools, and in the early 1970s, served as city recreation supervisor for the LaSalle Neighborhood Facility at Griffon Manor. He was invited to work at the Hyde Park Golf Course, yet was reluctant to accept the offer until he was assured that he could continue working with children. His passion for engaging youth in sporting activities led to the launch of a golf lesson series that culminates in the annual Junior Golf Tournament. It was Mr. Ruggiero’s goal to teach city youth a sport, which at that time was unfamiliar to them, thus creating a new pool of future golfers for the city course; and

WHEREAS, Mr. Ruggiero also provided golf instruction to hundreds of adults over the years. He covered the Porter Cup, worked on the local television show “Beat the Pro,” was the golf columnist for the Niagara Gazette for nearly 30 years, and a loyal advocate for the Hyde Park Golf Course; and

WHEREAS, in 2014, Mr. Ruggiero wrote an extensive piece on the so-called red nine, making a plea to "resurrect" the historic course, always ending his weekly column with his familiar tag line: "Keep it in the fairway."

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby honor Mr. Kenneth Ruggerio and his many contributions to the Niagara Falls golf community.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: HUNTINGTON'S DISEASE AWARENESS MONTH, 2016-57
BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, it is custom for the City of Niagara Falls to recognize official months that are set aside to increase awareness of serious illnesses that affect the lives of citizens of Niagara Falls as well as the entire United States; and

WHEREAS, Huntington's disease (HD) is a fatal genetic disorder that causes the progressive breakdown of nerve cells in the brain, it deteriorates a person's physical and mental abilities during their prime working years and has no cure; and

WHEREAS, the City of Niagara Falls is proud to memorialize Governor Andrew M. Cuomo to proclaim May 2016, as Huntington's Disease Awareness Month in the State of New York, in conjunction with the observance of National Huntington's Disease Awareness Month.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby support the fight against Huntington Disease and agree to proclaim May 2016 as Huntington's Disease Awareness Month.

BE IT FURTHER RESOLVED, that a copy of this Resolution, suitably engrossed, be transmitted to The Honorable Andrew M. Cuomo, Governor of the State of New York.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NATIONAL CHILDREN'S DAY, SUPPORTING, 2016-58
BY: ALL COUNCIL MEMBERS

Agenda Item #21

WHEREAS, the Niagara Falls City Council is proud to join with other communities throughout the United States in expressing our support for the theme and concept of Children's day; and

WHEREAS, the welfare and future of our children is the highest priority in our city, we strive to promote a safe and healthy environment for all children; and

WHEREAS, the second Sunday in June be set aside as a day to celebrate children and reaffirm our commitment to their needs, beginning Sunday, June 12, 2016.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby support National Children's Day in the City of Niagara Falls, urging all members of the community to unite in participating in the education, recognition, and inspiration of our children.

Yeas 5
Nays 0
ADOPTED

Council Member Grandinetti read the Resolution honoring Deputy Tortorella (Agenda Item #22), and the Council Members presented a copy of the Resolution to him.

Chairman Touma read the Resolution relative to changing the name of the Junior Golf Tournament (Agenda Item #13), and the Council Members presented a copy of the Resolution to Mr. Ruggiero's son.

Council Member Grandinetti read the Resolution relative to proclaiming May 2016 as Huntington's Disease Awareness Month in New York State (Agenda Item #20), and presented a copy of the Resolution to a friend of hers who has been impacted by the disease.

Council Member Scott read the Resolution relative to supporting the effort to proclaim National Children's Day in the City of Niagara Falls (Agenda Item #21), and presented a copy of the Resolution to Mrs. Harris.

Chairman Touma thanked City Clerk Carol Antonucci for preparing the Presentation copies of the Resolutions.

Mayor Paul Dyster spoke on the Project to enhance the illumination at the Falls (Agenda Item #5), and thanked all those who are involved in the Project. He noted that this will result in an energy savings in the lighting of the Falls, and Chairman Touma added that this will help to extend the tourist season. Council Member Grandinetti also added that it has been 20 years since any improvements have been done to the lighting at the Falls.

Council Member Grandinetti noted that the landscaping in the downtown area had not been done in time for the Memorial Day holiday, and Mayor Dyster said that the work had begun today. He suggested that the contract for this work be awarded earlier in the year so that the work can be completed in time for the start of the tourist season.

Chairman Touma asked for an update on the parking meters, and City Administrator Donna Owens reported that 25 meters are already in place, concrete needs to be poured for the placement of the rest of the meters, training for City workers on the meters is ongoing, and the City is looking into ADA compliance for the meters. She also added that parking revenue for the recent holiday weekend was over $100,000.

City Administrator Owens commended Council Members Scott and Tompkins for the Memorial Day Parade that they coordinated.

City Administrator Owens also reported that the Financial Restructuring Board has received all the necessary information from the City, and will be reviewing the City's application.

Mayor Dyster said that the City Administrator has been in touch with the Seneca Gaming Corporation regarding needed City support services for their downtown events.

Council Member Walker asked about issues with the City telephone lines, and the Mayor's Executive Assistant Nick Melson responded that it was software issue which should be resolved in a week or two.

Chairman Touma suggested suspending the City's $1.5M payment to USA Niagara for 2017-2018 since the City has not received an increase in Casino revenue. Mayor Dyster noted that, while the City's share of the Casino revenue has declined, the amount that is distributed from the City's share to the other entities remains consistent.

Chairman Touma noted that Buffalo Mayor Byron Brown had provided projected Budget expenses and revenues for the next three years, and asked if the City could do the same to allow citizens know where they stand as far as possible tax increases, reserves, etc. Mayor Dyster responded that the City is now in the process of preparing the Budget for 2017, and long term projections are taken into account.

Council Member Tompkins thanked all the City Departments involved for their support and help with the Memorial Day Parade.

Council Member Tompkins also asked about the relocation of the Northpointe facility, and Community Development Director Seth Piccirillo said that he was working with the organization on using a Buffalo Avenue location for the facility.

Council Member Scott asked how much more funding would be needed for a more elaborate July 4th fireworks display by the City (Agenda Item #1). Mayor Dyster responded that the City has a fireworks display at other times of the year, and the Senecas also provide fireworks displays for the July 4th holiday.

Mayor Dyster thanked Planner II James Bragg for his research into the naming of Stephenson Park (Agenda Item #15).

At 6:10 PM, Council Member Grandinetti moved for an Executive Session to discuss personnel matters, and her motion was unanimously approved. At 7:05 PM, Council Member Grandinetti moved to end the Executive Session, and her motion was unanimously approved.

Chairman Touma reconvened the Meeting at 7:20 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:

Edward Perlman	Agenda Item #8
Ron Anderluh	Agenda Items #8, #15
Rick Williams	Agenda Items #5, #11, #12, #15, #18
Gerald Skrlin	Agenda Item #8
Vince Anello	Agenda Item #8
Ron Anderluh	Weekend parking revenue; set parking rates for meters; Bank of America charging to park in their parking lot on weekends
Gerald Skrlin	Porter House history; issues with Department Heads; property issues; free speech issues
Jamie Caldwell	DPW doing great work but budget more money for labor & road repairs
Robert Ventry	Issues with streets on paving list; high grass In areas of City

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FIREWORKS DISPLAY, SKYLIGHTERS FIREWORKS

Agenda Item #1

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

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to five (5) companies. In addition to Skylighters Fireworks, a proposal was received from Pyrotecnico. After reviewing each proposal, it was determined that Skylighters Fireworks would be the best program to fit the City's needs.

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

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

PURCHASE: 70TH PARK EQUIPMENT, INSTALLATION OF SAFETY SURFACING, GAMETIME PLAYGROUND EQUIPMENT

Agenda Item #2

It is the administration's recommendation that the purchase of 70TH Street Park Playground/Park equipment and the purchase and installation of the new 70th Street Playground Park Playground safety surfacing should be purchased via the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. GAMETIME Playground Equipment is a qualified vendor as part of the statewide contract **(NYS CONTRACT PC 66669).** The total amount that the Niagara Falls City Council is being asked to authorize is **$96,514.49** as detailed below.

Item	**Cost**
Equipment Purchase	$43,646.49
Safety Surfacing and Installation	$52,868
Total	**$96,514.49**

The 70th Street Park Improvement Project will not require any municipal general fund or casino capital fund revenue. The entire project, including the purchase of equipment and installation, will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) grant funds, as approved by the Niagara Falls City Council as part of the 2015 Community Development Action Plan.

This project includes resurfacing and repair of the existing basketball court, the installation of a new playground, focused on ages groups 5-12 and 12 and up, installation of new park seating, the addition of mile markers around the part of walkers/joggers and the installation of trash receptacles with animal waste bags. The location is consistent with Crime Prevention through Environmental Design (CPTED) principles. The project was planned in strong partnership with the Niagara Falls City Council and the public. Public meetings were hosted in October 2014 and April 2016 to gain public input. The Niagara Falls Community Development Department (CD) is confident that the final design is consistent with the ideas shared through the public participation process.

The 70th Street Park Improvement Project is consistent with CD and the City of Niagara Falls' continuing effort to increase and improve youth facilities and services in our community. Improvements at 70th Street Park are consistent with the adopted Niagara Falls Parks Master Plan. In 2016 alone, the CD plans to improve 70th Street Park, the Hyde Park Playground, the Hyde Park Little League baseball diamonds, create a Niagara Falls Skate Park, as well as improve Gill Creek Park and Jerauld Avenue Park. In addition, the Niagara Falls Engineering Department is planning playground improvements at Center Court Park.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the purchase and limited installation of this equipment, in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: SUMMER IN YOUR CITY EVENTS, COMMUNITY DEVELOPMENT, FUNDING

Agenda Item #3

The administration is requesting the use of $18,000 from the Niagara Falls Tourism Account (T-FUND) to establish a "Summer in Your City" series of neighborhood based events in the City of Niagara Falls. The goal of the series is to connect local residents with newly improved parks, available outdoor recreation services, and to provide family-centric events in every neighborhood in our city.

In August 2015, the Niagara Falls City Council approved the use of T-FUND dollars to host a movie night at Hyde Park as part of the national "Play Ball" event. The event was a success, and the "Summer in Your City" series is an expansion of that event. The "Summer in Your City" Series will include four neighborhood movies nights, located throughout Niagara Falls. Locations will be finalized upon approval of this funding request. This request will also fund neighborhood play days at city parks being created or renovated in 2016, including:

- The Hyde Park Playground
- 70th Street Park
- D'Amelio/Center Court Park
- The NF Skate Park

Consistent with the adopted Parks Master Plan, the City of Niagara Falls is investing in park improvements throughout community. The "Play Days," in consultation with the Niagara Falls Youth Bureau, will showcase these improvements and provide additional constructive activities for our young people. This funding request will also support event advertising and promotion. Based on funding availability, the series will also include a free kayak tour at Hyde Park Lake to showcase waterway access and the growing trend of water sports.

Will the Council vote to so approve this funding request and authorize the Mayor to execute any applicable contracts, in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

Council Member Grandinetti said this is a wonderful idea.

HOMEOWNERSHIP AUCTION: VARIOUS PROPERTIES, APPROVAL OF SALE

Agenda Item #4

Attached (on file in the City Clerk's Office) is a listing of the homeownership auction results, showing the successful bidders for 13 properties. Each of these bidders have submitted a rehabilitation plan to correct Code violations for the property he or she has bid on. The Planning Board recommended approval of each sale on May 11, 2016. The recommendation is attached.

If the sales are approved, the successful bidder must complete rehabilitation of the property in one year and must reside on the property as his or her principal residence for 5 years.

One sale was approved by Council on May 16. Three properties are still in the process of having rehabilitation plans approved, and will be brought to Council at a future date.

Will the Council vote to approve the sale of the 13 homeownership auction properties on the attached list as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

ILLUMINATION BOARD, PROJECT TO ENHANCE ILLUMINATION, CONTRIBUTION

Agenda Item #5

The NFIB is a Bi-National organization headquartered in Niagara Falls, Ontario that is responsible for undertaking and overseeing the illumination of Niagara Falls which, I believe all can agree, is a popular and welcome enhancement to Niagara Falls. The NFIB has embarked on a project called the "Enhanced Illumination Project" ("EI Project") which entails upgrading the lights illuminating Niagara Falls with new LED lights resulting in enhanced lighting of Niagara Falls estimated to be twice the current lighting levels. Assuming that all stake holders are able to contribute the amounts they have been asked to contribute, the project is anticipated to commence immediately and will be completed prior to the end of 2016.

The City has been asked to contribute the sum of $50,000.00, Canadian funds, to the EI Project which is approximately $38,075.57 in U.S. funds. In the event that sufficient funding is not received from other public and private stakeholders within a reasonable period of time, the EI Project will not proceed and the City's contribution will be returned in full, without interest, no later than December 31, 2016.

Funding is available from Tourism Fund Balance.

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

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

Yeas	5
Nays	0

APPROVED

ITALIAN FESTIVAL, FUNDING

Agenda Item #6

The City has been asked to contribute the sum of $2,500 toward the cost of the annual Italian Festival to take place from Friday, July 29, 2016 through Sunday, July 31, 2016 on Pine Avenue between Portage Road and 15th Street. Attached (on file in the City Clerk's Office) is a letter of request from the sponsor.

Funding is available from Tourism Fund Balance.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

UNDERGROUND RAILROAD HERITAGE COMMISSION: GRANT AGREEMENT, HARRIET TUBMAN PLAZA IMPROVEMENTS, FUNDING

Agenda Item #7

Attached (on file in the City Clerk's Office) is a proposed Grant Agreement with the Niagara Falls Underground Railroad Heritage Commission to provide half of the funding to make improvements to the Harriet Tubman Plaza in accordance with the original plans which had been modified as part of the Value Engineering decisions to lower the overall station construction budget.

This would provide an amount not to exceed $131,000.00 to pay one half of the costs. The City's share of the costs would come from already approved Greenway Funding.

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

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

Yeas	5
Nays	0
	APPROVED

CITY CONTROLLER: APPOINTMENT, OFFICE RE-ORGANIZATION

Agenda Item #8

As part of my plans relative to the City's Finance Department, I hereby appoint Sandra Peploe, 669 78th Street, Niagara Falls, NY, to the position of City Controller. The agreed upon salary is $30,000.00 annually; this is a savings of $67,433.00.

With the appointment of Sandra Peploe, Maria Brown will return to a unionized, Civil Service position within the City Controller's Office. Given Ms. Brown's knowledge of the City's finances, it is appropriate to place her in a position that best suits her abilities. As such, I am recommending that the vacant Senior Auditor (Grade 22) position in the City Controller's office, currently funded at $47,563.00, be reduced to a salary of $1.00. I am also recommending that the position of Senior Accountant (Grade 24), be created for Ms. Brown at a salary of $77,427.00.

Finally, I am recommending the creation of a $10,000 stipend to be allotted to the Senior Accountant position to assist with the transition and reorganization of the City Controller's Office.

With salary and benefits, this reorganization will result in a net decrease in funding of $27,568.00. If the Council so approves, Ms. Brown will be placed in the newly created Senior Accountant position. Pursuant to the City Charter, the Council must vote to confirm Ms. Peploe's appointment.

Will the Council vote to confirm the appointment of Sandra Peploe, and to approve the re-organization of the City Controller's Office as set forth above (amended budget on file in the City Clerk's Office)?

Will the Council so approve?

Council Member Tompkins moved that the communication be Tabled.

Yeas 4

Scott, Tompkins, Walker, Chairman Touma

Nays 1

Grandinetti

TABLED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS, REAPPOINTMENTS

Agenda Item #9

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2016 to June 30, 2018.

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

Dobrasz, Daniel	NFPD
Jaraszewski, Mark	NFPD
Kunecki, Julie	Code Enforcement
Myles, Bridgette	Council Office
Travis, Patricia	DPW
Curcione, Frances	3302 Walnut Ave., NF NY 14301
Fasciano, Louisa	1331 104th St., NF, NY 14304
Graham, Alyson	2441 Woodlawn Ave. NF NY 14301
Keegan, David	337 Howard Dr., Youngstown, NY 14174
Kemp, Elyse	1543 Center Ave., NF NY 14305
Kennedy, Jean	1423 Wyoming Ave., NF NY 14305
Lincoln, James	3259 Jerauld Ave., NF, NY 14305
Pelosino, Denise M.	8375 Ziblut Court, NF, NY 14304
Sirianni, Juanita	3351 Ely Ave., NF NY 14303
Smith, Richard	1021 96th St., NF NY 14304
Thomason, Candra	2470 LaSalle Ave., NF NY 14301
Zito, Peter	3351 Ely Ave., NF NY 14304

Council Member Grandinetti 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: PLATT, SHARONDA

Agenda Item #10

Date Claim Filed:	August 9, 2012
Date Action Commenced:	July 1, 2013
Date of Occurrence:	May 16, 2012
Location:	Niagara Street near 22nd Street
Nature of Claim:	Injuries sustained in an accident with City vehicle
City Driver:	Patricia McCune
Status of Action:	Pre-trial stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$5,250.00
Make Check Payable to:	Sharonda Platt & Hagelin Spencer LLC, 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 claim be paid under the terms set forth above. Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: NIAGARA COMMUNITY ACTION PROGRAM, USE OF OASIS, WAIVER OF FEES, 2016-59
BY: COUNCIL MEMBERS GRANDINETTI, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #11

WHEREAS, the Niagara Falls City Council wishes to do its part to foster the community bonds that are strengthened by Niagara Community Action Program, Inc. They provide the following programs/services to qualified City families: emergency food, clothing, budget counseling, in-house weatherization, home repair, child care referral, training, registration, meal reimbursement for children, health and safety start-up items nutrition outreach, education and advocacy, on-the-job training, fair housing, back rent/mortgage/ utility payments, landlord/tenant resolution, and asset management; and

WHEREAS, on August 5, 2016, NIACAP will have a company gathering at Hyde Park Oasis and would like to request a reduction, or waiver of fees associated with the rental (letter on file in the City Clerk's Office). The money saved will be used to support a needy family in our City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby waive the fee for rental of the Oasis at Hyde Park for the August 5, 2016 gathering.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PARKING FEES, WAIVER, 2016-60
BY: COUNCIL MEMBERS GRANDINETTI, TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #12

WHEREAS, Niagara Falls High School will hold its 2016 Graduation ceremony on Saturday, June 25, 2016 from 12:00-2:00 pm, and its rehearsal ceremony on Thursday, June 23, 2016 from 8:30 a.m.-12:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby waive parking fees in the Third Street city parking lot and downtown parking ramp for persons attending the Niagara Falls High School graduation and rehearsal events, scheduled for Saturday, June 25, 2016 from 12:00 p.m.-2: p.m., and Thursday, June 23, 2016 from 8:30 a.m.-12:00 p.m., respectively.

Yeas	5
Nays	0
	ADOPTED

AGENDA ITEM #13 WAS ADOPTED AT THE WORK SESSION

RESOLUTION: CABLE SERVICE COMMISSION, APPOINTMENT, 2016-61
BY; ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, there is currently a vacant seat on the Cable Service Commission, due to the resignation of Matthew Jones.

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Cable Service Commission, effective immediately.

APPOINTMENT	TERM EXPIRES:
Willie Lee Whitaker 1324 Calumet Avenue Niagara Falls, NY 14305	12/31/2018

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: CHANGING STEPHENSON PARK TO ROBERT A. ANDERSON, JR. PARK, 2016-62
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, the City owns a pocket park located at the corner of Stephenson Avenue and 73rd Street, which became known as Stephenson Park because of the proximity of this pocket park to Stephenson Avenue; and

WHEREAS, on or about October 1, 1986, Robert A. Anderson Jr. purchased a home on 73rd Street located directly across from Stephenson Park; and

WHEREAS, over the years, Robert A. Anderson Jr. was a frequent visitor to Stephenson Park and frequently undertook efforts to keep the park free of debris and refuse, supplementing the efforts made by the City to keep the park in good condition; and

WHEREAS, Robert A. Anderson Jr. visited this park on numerous occasions to attend sporting events played at the park by children and other persons in the park neighborhood, frequently providing them with food and beverages; and

WHEREAS, this City Council wishes to recognize the efforts of Robert A. Anderson Jr. as a promoter and benefactor of this park.

NOW, THEREFORE, this City Council does hereby recognize the efforts of our former City Council colleague, Robert A. Anderson Jr. for his many efforts to beautify and maintain the park across from his home.

AND BE IT FURTHER RESOLVED that this City Council does hereby rename Stephenson Park as "Robert A. Anderson Jr. Park" in honor of our deceased colleague; and

BE IT FURTHER RESOLVED that a sign be erected at a suitable location at the park proclaiming the park to be named "Robert A. Anderson Jr. Park."

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PARKING RATES, DOWNTOWN, 2016-63
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #16

WHEREAS, the City is in the process of installing parking pay stations in the downtown area on various City streets as shown on the diagram attached hereto (on file in the City Clerk's Office); and

WHEREAS, the Administration and this City Council wish to set the rates for parking in the downtown area and confirm the parking rates established by this City Council on February 22, 2016 for parking in the various City lots; and

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby establish rates for on-street parking as being $3.00 per hour during the peak tourist season defined as May 1 through October 31 and $1.00 per hour during the off-peak season which is defined as November 1 through April 30th; and

BE IT FURTHER RESOLVED that rates for the pay stations to be installed in the RV lot located at 256 Third Street be established as follows:

(a) For a 24-hour period, the parking rate for a passenger or SUV type vehicle is $20 during the peak season defined as May 1 through October 31 and $10 during the off-peak season defined as November 1 through April 30.

(b) For a 24-hour period, the parking rate for a Recreational Vehicle (RV) is $45 during the peak season defined as May 1 through October 31 and $15 during the off-peak season defined as November 1 through April 30.

AND BE IT FURTHER RESOLVED that the rates to be charged for the Rainbow/First Street Lot are confirmed to be $20 per day during the peak season defined as May 1 through October 31 and $10 per day during the off-peak season defined as November 1 through April 30.

AND BE IT FURTHER RESOLVED that the rates to be charged for the City Parking Ramp as well as the City owned lot at the corner of Third Street and Niagara Street are confirmed to be $20 per day during the peak season defined as May 1 through October 31 and $10 per day during the off-peak season defined as November 1 through April 30.

AND BE IT FURTHER RESOLVED that the Director of the Department of Public Works be and is hereby authorized to make occasional adjustments to parking rates for good cause shown.

Yeas 5
Nays 0
ADOPTED

Council Member Tompkins said he would like to see the process for resident parking to be put on the Fast Track.
Chairman Touma said traffic needs to be directed into the City Parking lots.

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, 2016-64
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, there is currently one vacant seat on the Niagara Falls Tourism Advisory Board.

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Tourism Advisory Board, effective immediately.

APPOINTMENT	TERM EXPIRES:
Donna T. Venne 2779 Orleans Avenue - #1 Niagara Falls, NY 14303	12/31/2016

Yeas 5
Nays 0
ADOPTED

RESOLUTION: RELAY FOR LIFE CHARITY EVENT, WAIVER OF BANDSTAND FEE, 2016-65
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, the American Cancer Society will hold its Annual Relay for Life of Greater Niagara Charity event on Saturday, June 4, 2016 at Reservoir Park; and

WHEREAS, this charity event will help raise money for cancer patients and their families, as well as support life-saving cancer research programs.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby support this worthy cause and will waive the bandstand fee (letter on file in the City Clerk's Office) for the American Cancer Society's Relay for Life Charity Event scheduled to take place on June 4, 2016.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: DOWNTOWN REVITALIZATION INITIATIVE APPLICATION, 2016-66
BY: ALL COUNCIL MEMBERS

Agenda Item #19

WHEREAS, the City of Niagara Falls is submitting an Application for New York State's Downtown Revitalization Initiative with a total award of $10,000,0000, and

WHEREAS, since 2010 the N.F.C. Development Corp. has authorized assistance for fifteen businesses in or adjacent to the targeted area with over $1,200,0000 of financial incentives to leverage over $28,500,000 in private investment resulting in the creation or soon to be creation of over 175 jobs, and

WHEREAS, the New York Power Authority has spent and pledged $60,000,000 to remove the sections of the Robert Moses Parkway cutting off downtown Niagara Falls from the Niagara River, and

WHEREAS, investments by Empire State Development and the City of Niagara Falls have resulted in the growth of the tourist industry in the tourist sector of downtown Niagara Falls, and

WHEREAS, Niagara Falls Memorial Medical Center and the Seneca Niagara Casino are the two largest private sector employers in Niagara County, and

WHEREAS, the City's application for downtown Niagara Falls, if selected, will drive implementation of multiple smart growth projects in the downtown and in the surrounding core neighborhoods, which were called out in the 2009 Comprehensive Plan for "big moves," and

WHEREAS, the City's application will also promote new job creation, raise property values, create community amenities, bring in local tax revenues, attract new residents and businesses to downtown, building upon the city and region's strengths, and

WHEREAS, the area to be defined in the Downtown Revitalization Initiative City of Niagara Falls application represents the community with the greatest potential and most immediate opportunity for positive impact for all Western New York,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby supports the Downtown Revitalization Initiative Application and authorizes the Mayor to act on behalf of the City in all matters related to the application process, and further authorizes the Mayor to execute any and all documentation necessary related to the Downtown Revitalization Initiative or award.

Yeas 5
Nays 0

AGENDA ITEMS #20, 21 & #22 WERE ADOPTED AT THE WORK SESSION

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:15 P.M.

Carol A. Antonucci
City Clerk

The first session of the June 13 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Council Member Walker moved to approve the Minutes from the Council Meeting of May 31, 2016.

Yeas	5
Nays	0
	APPROVED

Council Member Walker moved to amend the Agenda to act on Agenda Items #20 and #21 at this time.

Yeas	5
Nays	0
	MOTION APPROVED

RESOLUTION: EWING, HOWIE, TURVEY, NEAL & JR. THUNDERWOLVES, CONGRATULATING, 2016-67
BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, Mr. Howie Ewing, Mr. Neal Turvey, Director of Pitch N' Hits Events, and the staff of the Junior Thunderwolves have been instrumental in securing support to repair and maintain the landmark Sal Maglie Stadium located in Hyde Park in Niagara Falls, New York; and

WHEREAS, Mr. Ewing, Mr. Turvey, and the Junior Thunderwolves staff have worked tirelessly to attain business sponsorships and in-kind services in order to preserve the historic landmark and allow Niagara Falls' grand tradition of hosting America's favorite pastime, baseball, to continue for future generations. This includes plans to host several tournaments and championships this summer, including local and weekend events which will bring guests into the city, as well as plans for over 250 games to be played on the diamond this season. Thanks to their efforts, this landmark stadium will once again be the home field for the Niagara Falls Rapids, Junior Thunderwolves and other Niagara Falls baseball teams, including the Niagara Catholic Patriots; and

WHEREAS, Mr. Ewing, Mr. Turvey, and the Junior Thunderwolves have provided the youth of Niagara Falls with a constructive activity and a safe place in which to play a beloved sport, thus learning fundamental life skills such as teamwork, discipline, sportsman-like conduct, and respect for themselves and others.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby congratulate Mr. Ewing, Mr. Turvey, and the Junior Thunderwolves on their outstanding accomplishment in resurrecting the historic Sal Maglie Stadium and preserving the city's rich baseball history.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: MEMORIAL DAY PARADE ESSAY WINNERS, CONGRATULATING, 2016-68
BY: ALL COUNCIL MEMBERS

Agenda Item #21

WHEREAS, the Community Memorial Day Parade essay contest was open to all 9th through 12th grade students at Niagara Falls High School and Niagara Catholic High School; and

WHEREAS, students were invited to write a two-hundred and fifty word essay on "What Memorial Day Means to Me"; and

WHEREAS, over 35 students from both schools submitted essays that were judged by a panel from the Niagara Gazette based on specific criteria including originality and understanding of the theme; and

WHEREAS, Isaiah Habalou, a ninth grade student at Niagara Falls High School was determined by judges to be the essay contest's first place winner; and

WHEREAS, Taina Smith, a ninth grade student at Niagara Falls High School was deemed the essay contest's runner-up; and

WHEREAS, these students, as well as all students who entered the contest, demonstrated a true understanding of the significance of Memorial Day and the great sacrifice made by our country's military veterans.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York does hereby congratulate Isaiah Habalou and Taina Smith. We wish them all the best in their future endeavors, and thank all of the high school students who participated.

Yeas	5
Nays	0
	ADOPTED

Council Member Tompkins read the Resolution relative to congratulating those involved in resurrecting the Sal Maglie Stadium, and the Council Members presented a copy to them.

Council Member Scott read the Resolution relative to congratulating the winners of the Memorial Day Parade essay contest, and the Council Members presented a copy to them.

Randy Shepard from the Bonadio Group spoke on the City of Niagara Falls Audited Financial for the year 2015, and answered questions from the Council Members.

Athena Hutchins, PE, Executive Director of the Niagara International Transportation Technology Coalition (NITTEC), explained the functions of her Agency. She said that the Coalition is a multi-Agency transportation operations group that is involved with traffic management, incident management, construction coordination, travelers' information and border crossing information.

Paula Milligan spoke on behalf of Amy Lewis, Executive Director of the Niagara County SPCA, on the Orange Cat Campaign to raise funding for a Trap, Neuter, Vaccinate and Return (TNVR) Program.

Jennifer Potter, Executive Director of the Niagara Falls Public Library, spoke on the various programs offered at the Library and use of the Library by other organizations. She asked for increased funding for the Library to expand the services offered. Sara Capen, Executive Director of the Niagara Falls National Heritage Area, suggested promoting the Library as a tourist attraction. Community Development Director Seth Piccirillo spoke on the possibility of his Department partnering with the Library as an additional funding source for the Library.

City Assessor James Bird reported that there have been no updates to the City's Assessment Rolls in ten years, and the City needs to have a fair and equitable Tax Roll. He also added that one of the recommendations of the City's own Financial Advisory Board was for a City wide re-assessment.

Mayor Paul Dyster gave a report on the Air Pollution Committee on the issue of odors from the Wastewater Treatment Plant, and said that improvements have been made in the processing at the Plant which will have a positive effect in addressing the issue. He also reported that, so far this season, there have been no complaints as far as odors coming from the Plant. The Mayor added that with the new appointment to the Water Board, the Board will hopefully be able to get a quorum.

Chairman Touma expressed his concern about citizen safety due to the recent events involving persons with mental health issues. Mayor Dyster responded that the City is in partnership with Niagara Falls Memorial Medical Center and Community Missions for resources to help in dealing with this problem, and Council Member Grandinetti added that a meeting at Heart, Love and Soul also addressed this issue. Police Captain Kelly Rizzo also spoke on this issue.

City Administrator Donna Owens asked those present to observe a Moment of Silence for the victims of the Orlando incident.

Council Member Tompkins asked Acting Director of Planning, Environmental and Economic Development Thomas DeSantis if there was a contract with Amtrak in place, and Mr. DeSantis said that there was not, but the Train Station is still on schedule for opening in July.

Mayor Dyster informed the Council Members that the construction fence is in place at 310 Rainbow Boulevard for the Hamister Hotel Project. He also said that the Niagara Falls Music and Arts Festival would be held this weekend in the downtown area.

Council Member Walker noted that there are many lots in the City where the grass is very high, and asked if the contract for grass cutting was in effect at this time. Mayor Dyster responded that it was. Council Member Walker suggested awarding the grass cutting contract earlier in the year in order to get a head start on keeping the grass cut. Chairman Touma added that there are also many private lots that need to be cut.

Council Member Walker said that as the City is working to make curb cuts in sidewalks for ADA compliance, the sidewalks also need to be kept in good condition for use by those with mobility issues. Council Member Tompkins noted that there is a backlog of sidewalk repairs.

Council Member Grandinetti moved to remove from the table the Item relative to the appointment of the City Controller and the reorganization of the Controller's Office.

Yeas 5
Nays 0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

The Item was added to the Agenda as #23.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #7, relative to a City contribution to the Niagara Street Business & Professional Association International Festival.

Council Member Grandinetti moved to amend the Item by changing the reference from Main Street to Niagara Street.

Yeas 5
Nays 0

MOTION TO AMEND ITEM APPROVED

This Session ended at 7 PM.

Chairman Touma reconvened the Meeting at 7:15 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Scott. Council Member Scott asked those present to observe a Moment of Silence for the victims of the Orlando incident. 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:

Caroline Boback	Agenda Item #22
Ron Anderluh	Memorial Weekend parking revenue; July 4th Traffic control; reassessment necessary but don't penalize residents for making improvements; WWTP odor issue; Gill Creek Park concerts
Bonnie Crogan Mazur	Domestic Violence incidents; programs at Library
Bob Pascoal	Mental Health issue protocol
Vince Anello	2015 Audit issues; Library; reassessment; Department issues

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF MAY 2016
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CLAIMS REPORT FOR THE MONTH OF MAY 2016
Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 3625 HIGHLAND AVE., ROOF STABILIZATION PROJECT, JOSEPH A. SANDERS & SONS. INC.

Agenda Item #3

The following was the result of bids received on June 2, 2016, for the above referenced project. (The second bidder was disqualified for lack of Bid Bond)

CONTRACTOR	BASE BID
Joseph A. Sanders & Sons, Inc. 107 Lathrop Street Buffalo, NY 14212	$93,352.00

It is the recommendation of the undersigned that this project be awarded to the lowest responsible bidder Joseph A. Sanders & Sons, Inc. at the base bid of $93,352.00. Funding from the City's Economic Department has been earmarked for this project from Casino Funds.

Additionally partial reimbursement from New York State Grant, will offset some of the costs associated with this project.

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

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

Yeas	5
Nays	0

APPROVED

PURCHASE: D'AMELIO PARK, PLAYGROUND EQUIPMENT, GARDENVILLE LANDSCAPE & NURSERY LLC

Agenda Item #4

A contract for the above referenced project was awarded to Gardenville Landscape & Nursery LLC, 3069 Clinton St. West Seneca, New York on May 16, 2016 in the amount of $56,318.60.

Now that the labor/installation costs for this project have been both determined and awarded, it is the request of the undersigned that $98,681.00 in existing funds already set aside for the procurement of the actual playground equipment be released with the Council's permission.

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: MACKLEM AVE. RECONSTRUCTION PROJECT, CHANGE ORDER #1 AND FINAL, YARUSSI CONSTRUCTION, INC.

Agenda Item #5

A contract for the above referenced project was awarded to Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls, New York on July 21, 2014 in the amount of $1,331,781.00.

Subsequent to the start of the project, the contractor undertook remedial subsurface actions that were not included in the original scope of the paving project. The cost of undercutting-excavation and select fill installation and ancillary piping installation came to $16,150.00, bringing the final contract total to $1,347,931.00.

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

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

Yeas 5
Nays 0
APPROVED

INVEST BUFFALO NIAGARA, MEMBERSHIP CONTINUATION
Agenda Item #6
THIS ITEM WAS PULLED FROM THE AGENDA
NO ACTION TAKEN ON THIS ITEM

INTERNATIONAL FESTIVAL, NIAGARA ST. BUSINESS & PROFESSIONAL ASSOCIATION, CONTRIBUTION

Agenda Item #7

The Niagara Street Business and Professional Association will be holding its annual International Festival on July 9, 2016 at Gill Creek Park. The City is being asked to contribute the sum of $2,500.00 toward the cost of this festival. Attached (on file in the City Clerk's Office) is a copy of a letter of request.

Funding is available through the Tourism fund balance.

Will the Council so approve and authorize the Mayor to execute a funding agreement satisfactory to the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

Chairman Touma applauded Ron Anderluh & his Committee for transforming Gill Creek Park.

GOOD NEWS GOSPEL FESTIVAL HEALTH FAIR, CONTRIBUTION

Agenda Item #8

The City has been requested by Niagara Falls Memorial Medical Center to once again be a sponsor of the Hospital's annual Good News Gospel Festival/Health Fair. The City has been asked to contribute the sum of $2,500 toward the expenses of the event, which will be held on July 16, 2016.

Funding is available from Tourism Fund balance.

Will the Council so approve?

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

Yeas	4
Grandinetti, Scott, Tompkins, Chairman Touma	
Nays	0
Abstain	1
Walker	
	APPROVED

Chairman Touma said that this is an amazing Festival. He has volunteered for the Festival & encouraged all to attend.

CONTRACT: NITTEC, MEMBERSHIP

Agenda Item #9

It is requested that the City Council authorize the Mayor to enter into a Memorandum of Understanding for the City's continued general membership in NITTEC. The mission of NITTEC is to maintain a regional, cooperative approach to transportation management and thereby improve regional and international transportation mobility, promote economic competitiveness, and minimize adverse environmental effects related to the regional transportation system. General membership in NITTEC is at no cost to the City.

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: NYSDOT, SHARED SERVICES

Agenda Item #10

The City has been contacted by the NYSDOT to request that the City enter into a Shared Services Agreement with the NYSDOT which will enable the NYSDOT and the City to provide each other with equipment, materials, and manpower to benefit each other during times of need. This is primarily focused on roads and highways. The term of this agreement would be a period of one year but may be terminated by either party on 60 days prior written notice. Attached hereto (on file in the City Clerk's Office) is a draft of a proposed agreement. Similar agreements have been executed by and between the NYSDOT and various other communities in Western New York.

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: XVII & ODDS 2 BEAT-A WEEKEND OF WINNING, FUNDING

Agenda Item #11

The XVII Elite Football Camp is taking place once again this year in Niagara Falls on School District property. This year the football camp is partnering with Odds 2 Beat Inc. to incorporate basketball into this weekend event. The event is scheduled to take place June 23, 2016 – June 25, 2016. Attached hereto (on file in the City Clerk's Office) is a communication pertaining to this event. $1000.00 is available from the City's tourism fund balance in order for the City to co-sponsor this event by providing money to purchase camp shirts for the participants in the camp.

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

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

Yeas 5
Nays 0
APPROVED

PARKING METERS: SOFTWARE MAINTENANCE EXPENSE, FUNDING

Agenda Item #12

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

CONTRACT: HYDE PARK, BATTING CAGES/FOUL BALL NET, DAVIDSON FENCE

Agenda Item #13

The Acting Director of the Department of Public Works is recommending that batting cages and a foul ball net be installed at Hyde Park. The installation of these batting cages and foul ball net will benefit those persons playing baseball at Hyde Park for practice sessions.

Quotes were solicited and Davidson Fence was the lowest quote in the amount of $4,170.00. Funding for this project is available in Capital Account Code H0622.2006.0622.0449.599.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: 109 24TH STREET, SALE TO SANDSTONE SPRINGS, LLC, 2016-69
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #14

WHEREAS, the Niagara Falls Urban Renewal Agency(NFURA) received a proposal from Sandstone Springs, LLC for the purchase of 109 – 24th Street for $1,500.00 plus closing costs, and

WHEREAS, a public notice pursuant to General Municipal Law §507(2)(d) was published in the Niagara Gazette on May 13, 2016 as directed by NFURA, and

WHEREAS, on May 31, 2016 NFURA accepted Sandstone Springs, LLC as a qualified and eligible sponsor for the purchase of 109 – 24th Street, and

WHEREAS, on May 31, 2016 NFURA did refer the sale of 109 – 24th Street to the Niagara Falls City Council for its approval after a public hearing,

NOW THEREFORE BE IT RESOLVED, that a public hearing be held on the 27th day of June, 2016 at 6:00 PM Eastern Daylight Time, in the City Hall Chambers of the City of Niagara Falls, New York at City Hall, 745 Main Street, and that the City Clerk is directed to publish the required notice of said hearing in the Niagara Gazette preceding said hearing. The purpose of the hearing is the proposed sale of 109 – 24th Street by Niagara Falls Urban Renewal Agency to Sandstone Springs, LLC for $1,500.00 plus closing costs.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: YOUTH MOTIVATION MOVEMENT, INC. YOUTH GATHERING EVENT, BANDSTAND FEE DISCOUNT, 2016-70
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #15

WHEREAS, the Youth Motivation Movement, Inc. will be having a youth gathering on Saturday, June 11, 2016 in the lot located at 20th Street and Calumet Avenue; (letter on file in the City Clerk's Office) and

WHEREAS, the purpose of this event is to reach out to the youth of the Niagara Falls community to prepare them for a positive mind set, inform them of programs & initiatives that will take place over the summer months.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby support this event and will discount the bandstand fee of $500.00 for the Youth Motivation Movement, Inc., Youth Gathering Event scheduled to take place on Saturday, June 11, 2016. The Youth Motivation Movement, Inc. will therefore only be required to pay a fee of $50.00 for the use of the bandstand for this event.

Yeas 3
Scott, Tompkins, Walker
Nays 2
Grandinetti, Chairman Touma
ADOPTED

Chairman Touma said he supports the event, but since he did not receive the 501C he requested, he was voting No.

RESOLUTION: GARRISON FAMILY REUNION, CELEBRATING, 2016-71
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, FAMILY is society's oldest and most resilient institution; and

WHEREAS, from the beginning of human life, people have grouped themselves into families to find emotional, physical, and communal support; and

WHEREAS, the value of FAMILY endures as it is the heart and soul of human society; and

WHEREAS, the Garrison family roots are in Vicksburg, Mississippi, the family has been a part of Niagara Falls for many years; and

WHEREAS, the Garrison family will be celebrating many generations at their family reunion during the weekend of June 17 - 19, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, does hereby welcome the Garrison Family Reunion, as they celebrate family. We hope that you have a joyous and memorable celebration.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: D'AMELIO PARK, ADULT EXERCISE PAD/EQUIPMENT, GRANT 2016-72
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, the City of Niagara Falls supports the grant application to the Niagara River Greenway Commission in the amount of $25,000 for an adult exercise pad & equipment for the above referenced project; and

WHEREAS, this request is consistent with objectives by the commission.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that this City Council does hereby supports this Greenway Commission grant application for funding in the amount of $25,000 for D'Amelio Park.

Yeas	5
Nays	0
	ADOPTED

Chairman Touma thanked County Legislature Owen Steed for his help in getting the Grant.

RESOLUTION: HISTORIC PRESERVATION COMMISSION, APPOINTMENT, 2016-73
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, there is currently one vacant seat on the Historic Preservation Commission, due to the resignation of Michelle Kratts.

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

APPOINTMENT:	TERM EXPIRES:
William Rogers New Market Station P.O. Box 2004, Niagara Falls, New York 14301	12/31/18

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: TRAFFIC ADVISORY COMMISSION, APPOINTMENT, 2016-74
BY: ALL COUNCIL MEMBERS

Agenda Item #19

WHEREAS, there is currently one vacant seat on the Niagara Falls Traffic Advisory Commission, due to the passing of Mr. William Williamson.

NOW, THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Traffic Advisory Commission effective for the unexpired term that expires on the date opposite her name shown below:

APPOINTMENT	TERM EXPIRES:
Alysia Welch - Chester 2995 McKoon Avenue Niagara Falls, NY 14305	12/31/2016

Yeas	5
Nays	0
	ADOPTED

AGENDA ITEMS #20 AND 21 WERE ADOPTED AT THE WORK SESSION

RESOLUTION: ORANGE CAT CAMPAIGN, SUPPORT, 2016-75
BY: ALL COUNCIL MEMBERS

Agenda Item #22

WHEREAS, the Niagara County SPCA is partnering with various other individuals and entities to present the Orange Cat Campaign which is a program to trap, spay/neuter, vaccinate and release feral and stray cats in Niagara County; and

WHEREAS, this program will be funded through donations and grants from various entities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York is in support of the Orange Cat Campaign which will benefit our community; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Niagara County SPCA.

Yeas 5
Nays 0

ADOPTED

Chairman Touma acknowledged the work that Council Members Grantinetti & Tompkins put into amending the Ordinance.

CITY CONTROLLER, APPOINTMENT, OFFICE RE-ORGANIZATION

Agenda Item #23

As part of my plans relative to the City's Finance Department, I hereby appoint Sandra Peploe, 669 78th Street, Niagara Falls, NY, to the position of City Controller. The agreed upon salary is $30,000.00 annually; this is a savings of $67,433.00.

With the appointment of Sandra Peploe, Maria Brown will return to a unionized, Civil Service position within the City Controller's Office. Given Ms. Brown's knowledge of the City's finances, it is appropriate to place her in a position that best suits her abilities. As such, I am recommending that the vacant Senior Auditor (Grade 22) position in the City Controller's office, currently funded at $47,563.00, be reduced to a salary of $1.00. I am also recommending that the position of Senior Accountant (Grade 24), be created for Ms. Brown at a salary of $77,427.00.

Finally, I am recommending the creation of a $10,000 stipend to be allotted to the Senior Accountant position to assist with the transition and reorganization of the City Controller's Office.

With salary and benefits, this reorganization will result in a net decrease in funding of $27,568.00. If the Council so approves, Ms. Brown will be placed in the newly created Senior Accountant position. Pursuant to the City Charter, the Council must vote to confirm Ms. Peploe's appointment.

Will the Council vote to confirm the appointment of Sandra Peploe, and to approve the re-organization of the City Controller's Office as set forth above?

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said that Personnel Matters should be handled internally & not in public & he read a statement from Maria Brown.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:00 P.M.

Carol A. Antonucci
City Clerk

The first session of the June 27, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:08 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Council Member Walker moved to approve the Minutes from the Council Meeting of June 13, 2016

Yeas	5
Nays	0
	APPROVED

Council Member Tompkins made a motion to amend the Agenda by voting on Agenda Item #15, a Resolution relative to congratulating Gay Molnar on her retirement as Executive Director for the Aquarium of Niagara, at this time.

RESOLUTION: MOLNAR, GAY, CONGRATULATING, 2016-76
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, Ms. Gay Molnar retired from the Aquarium of Niagara on April 1, 2016 as Executive Director; and

WHEREAS, Ms. Molnar has dedicated over sixteen years to the Aquarium of Niagara. She held the title of Director of Development and Marketing, before being promoted the Executive Director position; and

WHEREAS, Ms. Molnar has demonstrated a lifelong passion for helping the community. She is a brave, strong, intelligent woman with a generous spirit that is recognized in her passion for excellence in all of her endeavors; and

WHEREAS, Ms. Molnar is a 1997 Graduate of Leadership Niagara, and is very active on many boards. She has served as Secretary of the New York State Commission on National Community Service, Treasurer of the Niagara USA Chamber of Commerce, Vice Chair of the Cultural Alliance of Niagara, the Niagara Falls Tourism Advisory Board, to name a few of the organizations for which she has shared her immense talent and conviction; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, does hereby thank Ms. Gay Molnar for her leadership as Executive Director for the Aquarium of Niagara and her services to the community. We wish her the best of luck in her future endeavors.

Yeas	5
Nays	0
	ADOPTED

Chairman Touma read the Resolution and the Council Members presented a copy to Ms. Molnar.

Mayor Paul Dyster introduced the CEO of Invest Buffalo Niagara, who gave a Presentation, and said that the Mission of the Group is to attract businesses to invest in the Buffalo-Niagara Area.

Mayor Dyster reported that the paving program is "in full swing" and, as of this date, the City's pools and playgrounds are open. Also, the Public Works Department is installing a path from the bocce courts at Hyde Park across Robbins Drive and in Jayne Park for handicap access in these areas.

Chairman Touma informed the Council Members that the Financial Restructuring Board had met and approved to include the City in their Program. Mayor Dyster thanked the Council for their support in approving the City's participation.

Community Development Director Seth Piccirillo spoke on the Agenda Item relative to the Letter of Award for the Art Alley Pedestrian Walkway Enhancements (#19), and thanked the Engineering Department for their help with this Project.

Mr. Piccirillo also spoke on the Skate Park Project. He said that the Project is scheduled to be finished in mid-August, and thanked the Council for their support for the Project.

Council Member Tompkins inquired about the progress of the Highland Avenue Fire Hall Project, and Mr. Piccirillo said that, during this time of the year, outdoor projects take priority.

Council Member Grandinetti asked about landscaping around City Hall, and Acting Director of Parks Robert Spacone said that he was looking into it. She also asked about the mounds of dirt on the Parkway that are full of weeds, and Mayor Dyster said that he would get an update on the progress of the Parkway Project.

Chairman Touma said that he continues to receive complaints from residents in the DeVeaux area about NU students, and suggested a meeting with NU, the Police Department, Code Enforcement and Council to address the situation before the school year begins in the fall. Superintendent of Police Bryan DalPorto added that there were issues with college students in other areas of the City also.

Acting Director of Planning, Environmental and Economic Development Thomas DeSantis said that a Work Session regarding Bed & Breakfasts in the City had been held, and more meetings were scheduled to draft an Ordinance.

Council Member Tompkins asked Mr. DeSantis if any contracts were in place for the Train Station, and Mr. DeSantis responded that discussions were ongoing.

Chairman Touma also mentioned recent Legislation regarding "zombie" houses in the City, and Mayor Dyster said that the City would meet with a representative of the Attorney General's to discuss the City's options.

Council Member Scott asked if the property involved in Agenda Item #6 was owned by Smokin Joe Anderson, and Mayor Dyster said that it was. Council Member Tompkins added that the Project should have been finished in 2010.

Council Member Scott also asked how much of the Greenway funding was still available for the Centennial Circle Project (Agenda Item #12), and Mayor Dyster responded that this Agenda Item was to cover an "up to" amount, this estimate was at the high end, and other sources of funding for this Project were being looked into. Council Member Tompkins added that the Water Board needs to contribute to this Project.

Chairman Touma asked Mayor Dyster to provide a copy of the 5 Year Fiscal Plan to the Council.

Chairman Touma asked Corporation Counsel Craig Johnson about the timetable for completing the work to have one working document for the City Charter. Mr. Johnson responded that the Attorneys in his Office are doing the best they can with having only one clerical person in the Office for the past three months. Council Member Walker said that this Project needs to be done.

Council Member Walker asked about the progress of grass cutting on lots in the City, and Acting Director of Public Works John Caso said that the first round of cutting was done, and the next round was being worked on.

Mr. Johnson distributed copies of an amendment to an Agenda Item and three Items to be added to the Agenda:

1. Council Member Grandinetti moved to amend Agenda Item #2, relative to appointment/reappointment to the Library Board, by changing the expiration date of the term of Lynne Neveu to 2019.

Yeas	5
Nays	0

MOTION TO AMEND ITEM APPROVED

2. A communication relative to approval of a Letter of Award for the Hyde Park Ice Pavilion Refrigeration Control and Power System Replacement.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #18.

3. A communication relative to approval of a Letter of Award for Art Alley Pedestrian Walkway Enhancements.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APROVED

The communication was added to the Agenda as #19.

4.A communication relative to sale of properties to Niagara Area Habitat for Humanity.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #20.

This Session ended at 6:35 PM

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

Chairman Touma announced a Special Order of Business, a Public Hearing relative to the proposed sale of 109-24th Street by Niagara Falls Urban Renewal Agency to Sandstone Springs, LLC for $1,500.00 plus closing costs 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:

Ron Anderluh	Agenda Items #9, #17
Dan Davis	Agenda Item #6
Tim Huether	Agenda Items #4, #6, #10, #12
Timothy Banker	Agenda Item #14
Kim Connolly	Agenda Item #14
Bob Pascoal	Agenda Items #4, #10
Jamie Caldwell	Agenda Item #9
Jason Chilcott	Agenda Item #7
Mike Maloney	Issue with parking meters on Third St.
Martha Bennett	Issue with parking meters on Third St.
Ron Anderluh	Hire additional contractors to cut high grass; Lots that are used for parking in downtown area; Include ALL downtown lots for parking fees; Hotel Niagara construction fence encroaches on Roundabout; repair sidewalks in downtown area & replace missing lamp posts
Anthony Girasole	Issue with parking meters on Third St.
Mary Ann Oliver	Issue with parking meters on Third St.
Ken Hamilton	Location chosen for Skate Park not good
Kathleen Hall	Issue with parking meters on Third St.
Harrison Drapo	Parking for tenants on Falls St.
Jamie Caldwell	Cleanup possible hazardous site at 915 North Ave.
Roy McDowell	Mayor should attend Council Meetings; when will City Engineer be hired; City Court issues-no air Conditioning & broken sidewalks; no plan in place For parking meters; City wide reassessment
Jason Chilcote	Area to operate Radio Controlled Cars; cleanup City
Bob Pascoal	Belmont taking over Section 8 duties at CD
Janet Snyder	Water Board surplus; Chapter 701 of City Ordinances-don't limit number of animals if they Are well cared for, in favor of TNVR Program
Jennifer Garey	Support for TNVR Program

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PARKING METER INSTALLATION, BER-NATIONAL AUTOMATION, INC.

Agenda Item #1

A contract for the above referenced project was awarded to Ber-National Automation, Inc. on March 7, 2016 in the amount of $355,190.00.

In order to expedite the server procurement and set-up needed for our new parking system, the Engineering Department made available funds from the project to purchase the appropriate device. The total dollar amount was a not-to-exceed amount of $6,500.00, however, concerns from underruns provided adequate funding to allow the expenditure without additional funds, keeping the acquiring project at the same dollar amount.

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

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

Yeas	5
Nays	0

APPROVED

LIBRARY BOARD: APPOINTMENT/REAPPOINTMENT

Agenda Item #2

I hereby appoint the following to the Niagara Falls Library Board:

Appointment:	*Term Expires:*
Lynne M. Neveu	12/31/2019
(to fill the unexpired term of Robert Kazeangin)	

I hereby reappoint the following to the Niagara Falls Library Board:

Reappointments:	*Term Expires:*
Noreen Hill	12/31/2020

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: PEDESTRIAN WALKWAY, WNY BIKE RENTAL

Agenda Item #3

The Director of Business Development (the "Director") has been in discussions with the operator of Niagara Pedicab, LLC d/b/a WNY Bike Rental ("Niagara") to enable this vendor to temporarily occupy approximately 200 square feet inside the unused pedestrian walkway on Old Falls Street. This vendor rents bicycles from a kiosk on Old Falls Street. Niagara previously stored the inventory of bicycles when not displayed for rent at a location near his kiosk which is now not available to him. He presently stores his bicycles in a location on Buffalo Avenue which is far from his kiosk on Old Falls Street. The Director and Niagara discussed the possibility of Niagara occupying approximately 200 square feet of space in the unused pedestrian walkway on Old Falls Street to store his bicycle inventory. Niagara has offered to pay $100 per month commencing immediately and to go through the month of September, 2016. He will enter into a License Agreement containing the usual indemnity provisions and will provide proof of insurance.

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

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

Yeas 5
Nays 0
APPROVED

PURCHASING DIVISION: REORGANIZATION

Agenda Item #4

The City's Purchasing Director advises that the Purchasing Division has a vacancy resulting from an employee transferring to another department. This presents an opportunity to create a new position with additional duties and responsibilities which will allow the Department to operate in a more efficient manner. The new position is entitled "Administrative Assistant – Purchasing." The new title and job description was prepared and approved by the Niagara Falls Civil Service Commission.

This reorganization results in a savings of $128.99. Attached (on file in the City Clerk's Office) is the proposed reorganization of the Purchasing Division.

Will the Council so approve?

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

Yeas 2
Grandinetti, Chairman Touma
Nays 3
Scott, Tompkins, Walker

DEFEATED

Council Member Grandinetti said that this entire situation was handled poorly.

Chairman Touma said that he agrees with Council Member Grandinetti's comments, but, since the issue is an employee retiring, a transitional person is needed to learn the work of the Department.

FIRE DEPARTMENT: FIRE HOUSES IMPROVEMENTS, FUNDING

Agenda Item #5

The Fire Chief is requesting that the final phase of the garage door, opener and safety device installation at the remaining City firehouses be completed. Attached (on file in the City Clerk's Office) hereto is a communication from the Fire Chief detailing these improvements. Quotes were solicited and the low quote was provided by Rich's Expert Door which totals $22,780.00 plus supplies for the City Electrician to install safety devices totaling $1,600.00 for a total of $24,380.00. The Fire Chief advises that casino funds have previously been earmarked for this capital improvement.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: BUILDING WRAP, PEDESTRIAN WALKWAY (OLD FALLS STREET), SJ ANDERSON GRAPHICS & EMBROIDERY, FUNDING

Agenda Item #6

The administration requests Niagara Falls City Council approval of $10,000 in Tourism Fund dollars to wrap the glass portions of the former walkway on Old Falls Street (100 Block). This request does not include any general fund or casino fund dollars.

Old Falls Street, and downtown Niagara Falls in general, is seeing significant private/public sector investment. Currently, the municipally owned glass walkway does not serve a functional purpose does not present an aesthetically pleasing façade. Its demolition would require significant public sector investment, at this time. The proposed vinyl wrapping would visually improve the walkway's façade, as well as protect temporary storage space. The artwork will be selected and approved by the City of Niagara Falls and the project will be managed by the Niagara Falls Community Development Department.

The Niagara Falls Purchasing Department released a request for proposals in June 2016, with a due date of June 21, 2016. SJ Anderson Graphics & Embroidery responded with a proposal cost of $10,000. This price is consistent with project estimates.

SJ Anderson Graphics & Embroidery will complete the project within 30 days of final artwork selection.

Will the Council vote to so approve this funding request and authorize the Mayor to execute any applicable contracts, in a form acceptable to the Corporation Counsel?

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

Yeas 2
Grandinetti, Walker
Nays 3
Scott, Tompkins, Chairman Touma

DEFEATED

FIRE DEPARTMENT: FIRE HOUSE NO. 4, REPAIRS/MAINTENANCE/MINOR PURCHASES, FUNDING

Agenda Item #7

The Fire Chief is requesting that certain repairs and maintenance, as well as the acquisition of small items, be permitted for Fire House No. 4 located at 720 10th Street. Attached (on file in the City Clerk's Office) hereto is a list of the requested items of repair and maintenance and small items to be acquired. The total cost of all this is $42,650.00. The Fire Chief advises that this has been included in the Fire Department's Capital Fund project request and that casino revenues have been earmarked for this. There will most likely be a further request for HVAC upgrades in the future as soon as specs are developed.

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

GARDEN WALK, FUNDING

Agenda Item #8

The chairperson of the Garden Walk Niagara Falls USA is requesting the sum of $1,000 from the City as a contribution to the expenses of hosting the Garden Walk event. See the attached letter of request (on file in the City Clerk's Office). The event this year is scheduled to be held on Saturday, July 23, 2016 from 9:30 a.m. to 5:00 p.m. Various neighborhoods and venues will be included this year. The purpose of this event is to promote beautification of the City of Niagara Falls involving coalitions of community institutions, municipal institutions, historic areas of interest, residential neighborhoods and business venues. Funding is available from tourism fund balance.

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

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

Yeas 4
Grandinetti, Scott, Walker, Chairman Touma
Nays 1
Tompkins

APPROVED

PUBLIC WORKS: CLEAN NEIGHBORHOOD TEAM, TEMPORARY LINE, FUNDING

Agenda Item #9

The Director of the Department of Public Works (DPW) is requesting that the sum of $40,000 plus FICA benefits for a total of $43,060 be made available to his budget line for temporary help for a Clean Neighborhood initiative. The purpose of this initiative is to clean up City alleyways and rights of way and various other properties as needed. Funding is available from 2014 casino revenues.

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

INVEST BUFFALO NIAGARA, MEMBERSHIP CONTINUATION

Agenda Item #10

It is requested that the City be permitted to continue its membership in Invest Buffalo Niagara, formerly Buffalo Niagara Enterprise (the IBN) which is a non-profit regional research, marketing and business development organization committed to bringing jobs and investment to the eight counties of Western New York. Since 1999, the BN has helped 332 companies to invest over $3.6 billion in our region and retain more than 41,000 jobs. Attached hereto (on file in the City Clerk's Office) is the summary of some of the benefits provided to the City by the IBN during the last year of the City's membership. It is recommended that the City participate again this year at the $50,000 per year level.

Funding is available from Casino Revenues.

Will the Council so approve?

Council Member Tompkins moved to Table the Item, and Council Member Scott seconded the motion.

Yeas 2
Scott, Tompkins
Nays 3
Grandinetti, Walker, Chairman Touma

Motion to Table failed

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

Yeas 4
Grandinetti, Scott, Walker, Chairman Touma
Nays 1
Tompkins

APPROVED

Council Chairman Touma said this Organization is a great resource for the City.

POLICE DEPARTMENT: GROUP VIOLENCE INTERVENTION PROGRAM, GRANT AWARD

Agenda Item #11

The City has received a grant award in the amount of $65,000 to support a full-time Program Manager for the Group Violence Intervention (GVI) Program for the period July 1, 2016 through June 30, 2017. The grant is provided through the appropriation of FFY 2015 Byrne/JAG funding in the 2016-2017 state budget. As described in the attached letter (on file in the City Clerk's Office), there are various federal reporting requirements involved as well as quarterly progress reports that are required to be filed in the New York State Division of Criminal Justice Services (DCJS).

Will the Council so approve and authorize the Mayor to execute any funding agreements 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

CENTENNIAL CIRCLE PROJECT, ADDITIONAL GREENWAY FUNDING

Agenda Item #12

The City previously received Greenway Funding.

Due to the requirements of the Niagara Falls Water Board for relocating the utility lines in the circle, the project cost has increased. We are therefore asking for an additional $150,000 of Greenway Funds for this project.

Will the Council so approve?

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

Yeas 4
Grandinetti, Scott, Walker, Chairman Touma
Nays 1
Tompkins

APPROVED

Council Member Grandinetti said she is disgusted with how the Water Board does things, but there are 2 major projects underway at this time & she wants to see them move forward.
Council Member Scott said he hates to see the progress of the Project not happen but we need to apply pressure to the Water Board.
Council Member Tompkins said he is tired of paying the Water Board's bills & they need to step up & pay their own bills.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: MARTIN, BEVERLY A.

Agenda Item #13

Date Claim Filed:	February 27, 2012
Date Action Commenced:	July 26, 2012
Date of Occurrence:	December 13, 2011
Location:	Near the intersection of Pine Ave. and 22nd St.
Nature of Claim:	Damages sustained in a motor vehicle accident
City Driver:	N/A
Status of Action:	Litigation Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$65,000.00
Make Check Payable to:	Beverly A. Martin & Cellino & Barnes, P.C., as attorneys
Conditions:	General Release 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 5
Nays 0

APPROVED

RESOLUTION: ANIMALS, FOWL AND DOGS, ORDINANCE AMENDMENTS
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #14

Please recall that during the City Council meeting held on April 4, 2016, the amendments I proposed to the above mentioned City Ordinance were tabled. I have now had occasion to investigate this further and desire to propose some further amendments.

Therefore, when you prepare the agenda for the next City Council meeting to be held on June 27, 2016, I request you include on the agenda an action item for the City Council to vote to remove this item from the table. In anticipation that that vote results in the item being removed from the table, I would further request that you include an action item on the agenda for the City Council to amend the item. I am attaching hereto (on file in the City Clerk's Office) a copy of the further amended ordinance I am proposing. These further amendments should be made available to my City Council colleagues and the public as well.

Thank you for your anticipated cooperation in this matter.

Yeas 1
Grandinetti
Nays 4
Scott, Tompkins, Walker, Chairman Touma

MOTION TO REMOVE ITEM FROM TABLE DEFEATED

Council Member Grandinetti thanked Corporation Counsel Craig Johnson for his work on this Ordinance.
Council Member Tompkins said the Ordinance just needs to be tweaked a bit.

AGENDA ITEM #15 WAS ADOPTED AT THE WORK SESSION

RESOLUTION: 109 24TH STREET, SALE TO SANDSTONE SPRINGS, LLC, 2016-77
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #16

WHEREAS, the Niagara Falls Urban Renewal Agency(NFURA) received a proposal from Sandstone Springs, LLC for the purchase of 109 – 24th Street for $1,500.00 plus closing costs, and

WHEREAS, a public notice pursuant to General Municipal Law §507(2)(d) was published in the Niagara Gazette on May 13, 2016 as directed by NFURA, and

WHEREAS, on May 31, 2016 NFURA accepted Sandstone Springs, LLC as a qualified and eligible sponsor for the purchase of 109 – 24th Street, and

WHEREAS, on May 31, 2016 NFURA did refer the sale of 109 – 24th Street to the Niagara Falls City Council for its approval after a public hearing, and

WHEREAS, on June 27, 2016 at 6:00 PM Eastern Daylight Time, in the City Hall Chambers of the City of Niagara Falls, New York at City Hall, 745 Main Street the City Council did hold a public hearing on the proposed sale, after publication of notice of the public hearing by the City Clerk,

NOW THEREFORE BE IT RESOLVED, that the City Council does hereby approve pursuant to General Municipal Law §507(2)(d) the proposed sale of 109 – 24th Street by Niagara Falls Urban Renewal Agency to Sandstone Springs, LLC for $1,500.00 plus closing costs.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: RESIDENT PARKING RATES, DOWNTOWN NIAGARA FALLS
BY: COUNCIL MEMBERS GRANDINETTI, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #17

WHEREAS, during the City Council meeting held on May 31, 2016, the City Council established rates for parking on certain streets in the City of Niagara Falls and also established rates for parking in the City owned parking lots and parking ramp in the downtown area of the City of Niagara Falls; and

WHEREAS, this City Council believes that residents of the City of Niagara Falls should be able to access a certain City owned parking lot and the parking ramp in the downtown area at a reduced rate when attending events and/or visiting locations in the downtown area rather than pay established per diem rates; and

WHEREAS, this City Council believes that a $25.00 annual fee to be paid by a resident of the City of Niagara Falls for the first vehicle registered at that resident's home address and a $15.00 annual fee for each second, third and fourth vehicle registered at that resident's home address in order to park in a certain City owned lot and the parking ramp located in downtown Niagara Falls when attending events and/or visiting locations in the downtown area is fair and reasonable (the "Residency Swipe Card").

NOW, THEREFORE, BE IT RESOLVED, that commencing on June 28, 2016, residents of the City of Niagara Falls may purchase from the Director of the Department of Public Works or his designee a Resident Swipe Card which will be in effect for a one year period of time from the date of purchase which will enable that resident to park his or her passenger vehicle or SUV in the City owned parking lot located at the corner of Third Street and Niagara Street or the City parking ramp for a $25.00 annual fee for the first vehicle registered at that resident's home address and a $15.00 annual fee for each second, third and fourth vehicle registered at that resident's home address. Resident Swipe Cards are not available for purchase for more than a total of four vehicles registered at each resident's home address.

AND BE IT FURTHER RESOLVED that such Resident Swipe Card may be utilized by a resident purchaser only when that resident purchaser is attending events and/or visiting various locations and may not be utilized by a resident purchaser if such resident purchaser is employed at a business located in the downtown area and is reporting to his or her job rather than attending an event and/or visiting a location in the downtown area.

AND BE IT FURTHER RESOLVED that the Resident Swipe Card may only be utilized after 5:00 p.m. Monday through Thursday, and all day Friday, Saturday or Sunday as well as on holidays.

AND BE IT FURTHER RESOLVED that each Resident Swipe Card is assigned to a particular passenger vehicle or SUV and may not be transferred or utilized for a vehicle other than the one it is assigned to.

AND BE IT FURTHER RESOLVED that in addition to the annual fee for each Resident Swipe Card, the resident purchaser is required to pay a $10.00 security deposit for each Resident Swipe Card issued to him or her, which security deposit will be refunded to the resident purchaser at such time as the Resident Swipe Card is surrendered to the Director of the Department of Public Works.

AND BE IT FURTHER RESOLVED that such Resident Swipe Card must be displayed upon entering or exiting the City owned parking lot or parking ramp when that resident is parking in the City owned parking lot or parking ramp in downtown Niagara Falls.

AND BE IT FURTHER RESOLVED that the Director of the Department of Public Works or his designee will determine the criteria required to establish residency as well as the protocol required to be followed by the resident purchaser in the utilization of the Resident Swipe Card.

Council Member Grandinetti moved to Table the Resolution.

Yeas 4
Grandinetti, Scott, Tompkins, Walker
Nays 1
Council Chairman Touma

TABLED

CONTRACT: ICE PAVILION REFRIGERATION CONTROL/POWER SYSTEM REPLACEMENT, MOLLENBERG-BETZ INC.

Agenda Item #18

The following was the result of bids received on June 27, 2016, for the above referenced project:

CONTRACTOR	BASE BID	ALT. 1	ALT.2	ALT.4
Mollenberg-Betz Inc. 300 Scott Street Buffalo NY 14204	$266,990.00	$1,256.00	$19,949.00	$5,645.00

It is the recommendation of the undersigned that this project be awarded to the sole bidder, Mollenberg-Betz Inc., at their Base Bid and alternates #1, 2 (deduct alternate) and 4 for a total bid price of $253,942.00.

Funding is available through undesignated casino revenue.

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: ART ALLEY PEDESTRIAN WALKWAY ENHANCEMENTS, MARK CERRONE, INC.

Agenda Item #19

The following was the result of bids received on June 27, 2016, for the above referenced project:

CONTRACTOR	BASE BID	ALT. 1
Mark Cerrone Inc. 2368 Maryland Ave. Niagara Falls NY 14305	$78,275.00	$7,250.00
Yarussi Construction Inc.	$85,000.00	$7,800.00
Scott Lawn Yard, Inc.	$94,328.00	$6,700.00
Kandey Co.	$180,000.00	$12,900.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Mark Cerrone, Inc. at their Base Bid and Alternate total of $85,525.00. Funding is available through Community Development.

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

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

Yeas 5
Nays 0

APPROVED

NIAGARA AREA HABITAT FOR HUMANITY, SALE OF 621 61ST ST, 629 60th ST. & 637 60TH ST.

Agenda Item #20

Habitat for Humanities has requested that the City transfer the above referenced lots to it. Habitat will construct new homes, and the properties will be restored to the tax rolls. The Planning Board recommended approval of the sale. The recommendation is attached (on file in the City Clerk's Office).

The above referenced vacant lots were taken by the City in tax foreclosure and offered for sale at auction. The lots did not sell at auction, so are available for sale to Habitat. No City department has any use for the lots. The proposed price is $1.00 per lot.

621 – 61st Street is 52 x 122.74, located on the west side of 61st Street and is identified as SBL 160.10-2-22.2. 629 – 60th Street and 637 – 60th Street are contiguous lots on the east side of 60th Street. 629 – 60th Street is 52 x 121.18 and is identified as SBL 160.10-2-20.2. 637 – 60th Street is 52 x 120.66 and is identified as SBL 160.10-2-20.12.

Will the Council accept this as a walk on agenda item, vote to approve sale of 621 – 61st Street, 629 – 60th Street and 637 – 60th Street to Niagara Area Habitat for Humanities as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:30 P.M.

Carol A. Antonucci
City Clerk

JULY 11, 2016

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the July 11, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:08 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson and City Controller Sandra Peploe.

Council Member Walker moved to approve the Minutes from the Council Meeting of June 27, 2016.

Yeas	5
Nays	0
	APPROVED

April Baskin, Executive Director of the College Simulation Experience, spoke on the mission of her group, which is an Education Initiative to encourage more college graduates, and requested financial support from the Council.

Donna Luh and Doug Horiski of the American Water Customer Advantage Program, spoke on how the Program works for water/sewer line repairs.

Barbara Rodgers spoke on the UNYTS Blood Drive for City employees on July 28.

Mayor Paul Dyster noted that today his newly appointed City Administrator, Nicholas Melson, was attending his first Council Meeting, and introduced Meghan Rossman, who was taking Mr. Melson's place as the Mayor's Executive Assistant. Mr. Melson said that it is his goal to restore confidence in the Office of the City Administrator.

City Administrator Melson reported that the NYS Financial Restructuring Board has contacted the City to set up meetings to begin working together. He also reported that there was a setback in the switchover to the new phone system, and the new system should be up and running by Saturday.

Mayor Dyster reported that the in-house paving program is moving forward, as well as repairs using the Zipper Machine. Approval of Phase 2 for the Buffalo Avenue repairs is on the Agenda for today's meeting.

Chairman Touma asked for an update on Northpointe, and Mayor Dyster said that alternate sites had been proposed. Chairman Touma asked that the Council continue to be involved in the process.

Mayor Dyster also reported that a letter had been sent to Niagara University regarding students who live in residential areas, and, while dialogue is ongoing, a meeting had not yet been set up with those involved.

Chairman Touma asked if Norampac is still shipping from the College Avenue site, and Acting Director of Planning, Environmental and Economic Development Thomas DeSantis said that he believed shipping from the site was still being done, and he had asked the owner of the site to bring in an updated proposal if he intends to keep using the site.

Council Member Tompkins asked for an update on the material stored at the North Avenue site. Mayor Dyster said that the material is industrial slag, and there is no imminent danger from it. Mr. DeSantis also said that the material is not dangerous. Council Member Tompkins suggested that, in the future, material such as this be stored on an industrial site rather than in a residential area.

Council Member Tompkins asked if anything had been done about the water lines on Independence Avenue that had frozen, and Mayor Dyster said that the City was trying to get a better price than had been quoted.

Council Member Tompkins asked about the status of hiring a City Engineer, and City Administrator Melson responded that an offer had been made to a candidate, but the offer was turned down. Mr. Melson had met with Human Resources Director Ruby Pulliam, and they are increasing their effort to fill this position.

Council Member Tompkins asked if a lease was in place with Amtrak, and Mr. DeSantis said that he was working on it. Mr. Tompkins also asked if a name had been chosen for the train station, and Mayor Dyster said that he will bring it before the Council.

Chairman Touma asked about the status of a contribution from the Water Board toward the 72nd Street Repairs, and Mayor Dyster said that the Water Board had applied for a Grant toward the repairs. Assemblyman Cerretto also obtained a Grant for the City toward this Project. The Water Board may also address the issue of a water line for Centennial Circle.

Council Member Scott said that a Community Center is needed in the area of the previous Center at 1364 Center Avenue.

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

1. Council Member Grandinetti moved to amend Agenda Item #14 by changing the reference to the Park from Highland Avenue to Beech Ave.

Yeas	5
Nays	0

AMENDMENT APPROVED

2. Council Member Grandinetti moved to amend Agenda Item #15 by changing the June 24th date to June 27th.

Yeas	5
Nays	0

AMENDMENT APPROVED

3. Council Member Grandinetti moved to add a communication to the Agenda relative to purchase and installation of playground equipment at Hyde Park.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #17.

4. Council Member Walker moved to add a Resolution to the Agenda relative to small parks fee waiver for the Green Family.

Yeas 5
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #18.

Council Member Tompkins moved to remove Item #12, a Resolution relative to resident parking rates in downtown, from the Table.

Yeas 5
Nays 0

MOTION TO REMOVE RESOLUTION FROM TABLE APPROVED

Council Member Tompkins moved to amend the Resolution by approving the rates that were submitted.

Yeas 5
Nays 0

MOTION TO AMEND RESOLUTION APPROVED

This Session ended at 6:12 PM

Chairman Touma reconvened the Meeting at 6:35 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Ron Anderluh	Agenda Items #12, #13
Dan Davis	Agenda Items #2, #13
Ken Hamilton	Agenda Item #15
Ron Anderluh	Illegal private parking lots downtown; Missing downtown signage; Hamister Project site contamination; Round a Bout issue
Bob Belton	Radioactive materials removal; URA Plan takes private property; Highland Ave. Preservation Group should take lead for Community Center
Donta Myles	Community Center is needed
Brian Archie	Community Center is needed
Allen Cowart	Community Center is needed
Dr. Leon Smith	Community Center is needed
Jamie Caldwell	North Ave. dump site; road repairs; Community Center is needed; unwillingness of people to serve
L. Eugene Johnson	Need more for youth to do in City
Vince Anello	Reopen Community Center; financial stability for City; Train Station issues; simplify Budget process; Centennial Circle is too small
Pastor Timothy Brown,Sr.	Community Center issues
Ken Hamilton	Community Center issues
Charles Packer	Community Center issues

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIMS REPORT FOR THE MONTH OF JUNE 2016
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PEDESTRIAN WALKWAY (OLD FALLS STREET), BUILDING WRAP, SJ ANDERSON GRAPHICS & EMBROIDERY, FUNDING

Agenda Item #2

The administration requests Niagara Falls City Council approval of $10,000 in Tourism Fund dollars to wrap the glass portions of the former walkway on Old Falls Street (100 Block). This request does not include any general fund or casino fund dollars.

Old Falls Street, and downtown Niagara Falls in general, is seeing significant private/public sector investment. Currently, the municipally owned glass walkway does not serve a functional purpose does not present an aesthetically pleasing façade. Its demolition would require significant public sector investment, at this time. The proposed vinyl wrapping would visually improve the walkway's façade, as well as protect temporary storage space. The artwork will be selected and approved by the City of Niagara Falls.

The Niagara Falls Purchasing Department released a request for proposals in June 2016, with a due date of June 21, 2016. SJ Anderson Graphics & Embroidery responded with a proposal cost of $10,000. This price is consistent with project estimates.

SJ Anderson Graphics & Embroidery will complete the project within 30 days of final artwork selection.

Will the Council vote to so approve this funding request and authorize the Mayor to execute any applicable contracts, in a form acceptable to the Corporation Counsel?

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

Yeas	1
Grandinetti	
Nays	4
Scott, Tompkins, Walker, Chairman Touma	
	DEFEATED

Chairman Touma said the area needs to be renovated but Joe Anderson should invest his own money.

CONTRACT: 72ND STREET WATER MAIN REPLACEMENT PROJECT, YARUSSI CONSTRUCTION CO.

Agenda Item #3

A contract for the above referenced project was awarded to Yarussi Construction Co. Inc. on October 15, 2015 in the amount of $939,650.00.

Subsequent to the start of the project, extra excavations and sewer lateral replacements necessitated by lowering the water main were performed by the contractor. The unit costs were either competitively obtained or already contained in the contract documents as Contingency Items. The extra charges stemming from excavation, select fill, additional piping and additional geotextile fabrics totals $43,780.00, or only 4.6% over award amount.

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

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 TRAFFIC ADVISORY COMMISSION

27TH ST. & HYDE PARK BLVD., INSTALL "NO PARKING MONDAY 7 AM TO 1 PM" SIGNS ON LINWOOD AVE., SOUTH SIDE

Agenda Item #4
At the Traffic Advisory Commission meeting held on June 27, 2016 the Commission recommended APPROVAL of the following item:

INSTALL "NO PARKING MONDAY 7 AM TO 1 PM" SIGNS ON LINWOOD AVENUE, SOUTH SIDE, BETWEEN 27TH STREET & HYDE PARK BOULEVARD

This restriction will conform with the existing overnight parking on the south side only and will allow City crews to service (plowing, sweeping, etc.) the south side of the street.

A Petition from the residents of this block was received with 80% of signatures.
Submitted By: Patricia Edwards, 2709 Linwood 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	5
Nays	0
	APPROVED

540 10th STREET, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #5
At the Traffic Advisory Commission meeting held on June 27, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 540 10th STREET

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

Submitted By: Patricia Swanson, 540 10th 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

3047 LIVINGSTON AVENUE, INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #6
At the Traffic Advisory Commission meeting held on June 27, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 3047 LIVINGSTON AVENUE

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

Submitted By: Robert Pyrciak, 3047 Livingston 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

750 8TH STREET, INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #7
At the Traffic Advisory Commission meeting held on June 27, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 750 8th STREET

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

Submitted By: Lori Gantt, on behalf of her father Robert Deshler, 750 8th 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

NIAGARA FALLS BLVD. & MARINE MEMORIAL DRIVE, INSTALL ALTERNATE OVERNIGHT PARKING ON CARVELLE DRIVE

Agenda Item #8
At the Traffic Advisory Commission meeting held on June 27, 2016 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON CARAVELLE DRIVE
BETWEEN NIAGARA FALLS BOULEVARD & MARINE MEMORIAL DRIVE

A Petition from the residents of this block was received with 80% of signatures.

Submitted By: Mario DiBartolomeo, 1658 Caravelle Drive

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

THIRD STREET, WEST SIDE, BETWEEN DUGGAN DR. & RAINBOW BLVD., EXTEND THE EXISTING PARKING AREA BY THREE ADDITIONAL SPACES

Agenda Item #9

At the Traffic Advisory Commission meeting held on June 27, 2016 the Commission recommended APPROVAL of the following item:

THIRD STREET, WEST SIDE, BETWEEN DUGGAN DRIVE & RAINBOW BOULEVARD (IN FRONT OF THE CITY PARKING LOT): EXTEND THE EXISTING PARKING AREA BY THREE ADDITIONAL SPACES TOWARDS THE SOUTH

This additional 66' of parking will not impede traffic flow and will be added to the existing metered parking in this area

Submitted By: Anthony Vilardo, Director of Business Development, City of Niagara Falls Department of Economic Development

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

OLD FALLS STREET IN FRONT OF THE ENTRANCE TO THE CONFERENCE AND EVENT CENTER, CHANGE THE EXISTING "15 MINUTE PARKING" RESTRICTION TO "NO STANDING ANYTIME"

Agenda Item #10

At the Traffic Advisory Commission meeting held on June 27, 2016 the Commission recommended APPROVAL of the following item:

CHANGE THE EXISTING "15 MINUTE PARKING" RESTRICTION TO "NO STANDING ANYTIME" ON OLD FALLS STREET IN FRONT OF THE ENTRANCE TO THE CONFERENCE AND EVENT CENTER

The Conference Center recently installed a handicap ramp in this three space cut-out area and are requesting this change due to all day parkers who are preventing drop-offs here. "No Standing Anytime" will legally allow for loading/unloading of passengers while preventing parking, thus keeping the area open.

Submitted By: Jason Murgia, General Manager, The Conference & Event Center Niagara Falls, 101 Old Falls 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

Scott, Tompkins, Walker, Chairman Touma

Nays 1

Grandinetti

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

ASSESSOR: 2016 GENERAL ASSESSMENT ROLL

Agenda Item #11

Listed below are the taxable totals of the General Assessment Roll for th3 City of Niagara Falls, New York, as now constituted and completed by the Board of Assessment Review for the year 2016 and were filed with the City Clerk on July 1, 2016.

Also, attached (on file in the City Clerk's Office), please find the exemption summary for the 2016 roll.

Total Taxable Assessed Value		$1,281,107,685
Homestead	$874,922,720	
Non-Homestead	406,184,965	
Total	$1,281,107,685	

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: RESIDENT PARKING RATES IN DOWNTOWN CITY OF NIAGARA FALLS, 2016-78
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #12

Please recall that during the City Council meeting held on June 27, 2016, the above resolution was tabled. I have now had occasion to investigate this further and desire to propose some amendments.

Therefore, when you prepare the agenda for the next City Council meeting to be held on July 11, 2016, I request you include on the agenda an action item for the City Council to vote to remove this item from the table. In anticipation that that vote results in the item being removed from the table, I would further request that you include an action item on the agenda for the City Council to amend the item. I am attaching hereto (on file in the City Clerk's Office) a copy of the amended resolution I am proposing. These further amendments should be made available to my City Council colleagues and the public as well.

Thank you for your anticipated cooperation in this matter.

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

Yeas	5
Nays	0

APPROVED

Chairman Touma said that this is the right thing to do for the residents to get them Downtown.

RESOLUTION: GILL CREEK TRAIL, CONSOLIDATED FUNDING APPLICATION-ENVIRONMENTAL PROTECTION FUND, 2016-79
BY: COUNCIL MEMBERS TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application- Environmental Protection Fund for the above referenced project with a total cost of approximately $683,126 with State assistance of up to $341,563 and a local share of up to $341,563; and

WHERESAS, matching funds will be available through 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: BEECH AVENUE PARK, CONSOLIDATED FUNDING APPLICATION- ENVIRONMENTAL PROTECTION FUND, 2016-80
BY: COUNCIL MEMBERS TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #14

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application- Environmental Protection Fund for the above referenced project with a total cost of approximately $800,000 with State assistance of up to $500,000 and a local share of up to $300,000; and

WHEREAS, matching funds will be available from casino revenue.

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: 3625 HIGHLAND AVENUE, LEASE WITH SANDSTONE SPRINGS, LLC., 2016-81
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #15

WHEREAS, the Niagara Falls Urban Renewal Agency (NFURA) received a proposal from Sandstone Springs, LLC for the lease with right of first refusal of 3625 Highland Avenue, Niagara Falls, NY, and

WHEREAS, the lease will be for a period of three years at the annual rate of $2.50 per square foot for the space occupied, with a minimum monthly rent of $1,000.00. Utility costs shall be shared *pro-rata* until Sandstone occupies 10,000 square feet, at which time Sandstone shall bear all the costs, and the lease shall contain a right of first refusal for purchase of 3625 Highland Avenue, Niagara Falls, NY, and

WHEREAS, a public notice pursuant to General Municipal Law §507(2)(d) was published in the Niagara Gazette on June 6, 2016 as directed by NFURA, and

WHEREAS, on June 27, 2016 NFURA accepted Sandstone Springs, LLC as a qualified and eligible sponsor for the lease with right of first refusal of 3625 Highland Avenue, Niagara Falls, NY, and

WHEREAS, on June 27, 2016 NFURA did refer the lease with right of first refusal of 3625 Highland Avenue, Niagara Falls, NY to the Niagara Falls City Council for its approval after a public hearing,

NOW THEREFORE BE IT RESOLVED, that a public hearing be held on the 25th day of July, 2016 at 6:00 PM Eastern Daylight Time, in the City Hall Chambers of the City of Niagara Falls, New York at City Hall, 745 Main Street, and that the City Clerk is directed to publish the required notice of said hearing in the Niagara Gazette preceding said hearing. The purpose of the hearing is the proposed lease with right of first refusal of 3625 Highland Avenue by Niagara Falls Urban Renewal Agency to Sandstone Springs, LLC as described herein.

Yeas 5
Nays 0
ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CONTRACT: BUFFALO AVENUE REHABILITATION, ACCADIA SITE CONTRACTING, INC.

Agenda Item #16

The following was the result of bids received on June 1, 2016, for the above referenced project:

CONTRACTOR	BASE BID
Accadia Site Contracting, Inc. 5636 Transit Road Depew NY 14043	$2,565,882.41
Mark Cerrone, Inc.	$2,647,945.00
Yarussi Construction, Inc.	$2,723,635.00
Keleman-Bauer Construction Inc.	$3,177,965.50

It is the recommendation of the undersigned that this project be awarded to Accadia Site Contracting, Inc. at its Base Bid of $2,565,882.41. Funding is available under Code H0634.2006.0634.0449.599.

Our design consultant C&S Companies, Inc. has reviewed the bid package 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 has also found the bid award package acceptable. Please note that this award is 80% Federally reimbursable and 15% State (Marchiselli) reimbursable, costing the City only 5% of the total contract cost.

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

Chairman Touma said the LaSalle Business district will be happy to have their road fixed.

CONTRACT: HYDE PARK PLAYGROUND EQUIPMENT, INSTALLATION/PURCHASE, SCOTT LAWN YARD

Agenda Item #17

It is the administration’s recommendation that the installation of Hyde Park Playground equipment be awarded to Scott Lawn Yard ($133,265). Installation of playground equipment was competitively bid, per municipal guidelines, by the City of Niagara Falls Engineering Department. Bids were opened at 2 pm on Wednesday, July 6, 2016. The Niagara Falls Community Development Department requests that this item be walked on to the July 11, 2016 Niagara Falls City Council meeting because that bid opening occurred after the standard council agenda deadline. By walking this item on to the agenda, the City Council will help this project be completed during this construction season. Scott Lawn Yard was the lowest bidder, as detailed below:

Bidding Company	Amount
Gardenville Landscaping LLC	$149,270
Mark Cerrone Inc.	$147,475
Titan Development	141,270
Scott Lawn Yard	$133,265

The Hyde Park Playground Project will not require any municipal general fund or casino capital fund revenue. The entire project, including the purchase of equipment and installation, will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) grant funds and Niagara River Greenway grant funds. On May 16, 2016, the Niagara Falls City Council unanimously approved an expenditure for the playground equipment. Per our purchasing guidelines, equipment purchase and installation are being procured separately. GAMETIME, the company responsible for equipment delivery and safety surface installation, has already began delivering the playground equipment to the Niagara Falls Department of Public Works. Upon Niagara Falls City Council approval and contract execution/construction mobilization, actual playground construction can be completed in approximately 20 days.

The Hyde Park Playground will replace the existing, outdated facility, and will be located within Hyde Park, off of Robbins Drive, approximately 50 yards from the Robbins Drive parking lot. The location is consistent with Crime Prevention through Environmental Design (CPTED) principles, and is centrally located, so as to be easily accessible to all Niagara Falls neighborhoods. The project was planned in strong partnership with the Niagara Falls Youth Bureau, and input was also sought from the Niagara Falls Police Department and the Department of Public Works. The playground consists of five separate pods, organized by age groups, each including safety surfacing and surrounding bench seating. The playground is easily visible from both the Robbins Drive parking lot, Robbins Drive itself, and surrounding park shelters. The current isolated location makes it harder to monitor and to reach, as there are no connecting sidewalks.

The Niagara Falls Community Development Department (CD) partnered with the Niagara Falls Youth Bureau Board to plan this playground over the past two years, and CD and the public have had the opportunity to comment on the project's CDBG funding at the 2015 Community Development public hearing and/or the 30 day written comment period. The Niagara Falls City Council approved the Niagara Hyde Park Playground as part of the 2015 CDBG Action Plan in November 2015. In Spring 2015, the City of Niagara Falls was awarded a $47,000 Niagara River Greenway grant for playground construction as part of a comprehensive Hyde Park improvement application.

The Hyde Park Playground Project is part of CD and the City of Niagara Falls' continuing effort to increase and improve youth facilities and services in our community. An improved playground at Hyde Park is consistent with the adopted Niagara Falls Parks Master Plan. In 2016 alone, the CDBG Program will improve the Hyde Park Playground, the Hyde Park Little League baseball diamonds, create a Niagara Falls Skate Park, improve 70th Street Park, Gill Creek Park and Jerauld Avenue Park. In addition, the Niagara Falls Engineering Department is planning playground improvements at Center Court Park.

Hyde Park is the city's signature public green space and the second largest municipal park in New York State, second only to Central Park. It is centrally located, and accessible to children and parents from throughout Niagara Falls. A modern playground, as well as the other capital projects happening within the Hyde Park, will enhance the public space and provide our young people with constructive activities.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the purchase and limited installation of this equipment, in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0

APPROVED

RESOLUTION: GREEN FAMILY, FEE WAIVER SMALL PARKS, 2016-82
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, the Green Family had a Memorial Service/Youth Choir Reunion (letter on file in the City Clerk's Office) on Saturday, July 9, 2016 from 12-6:00pm at Gluck Park – Raybon Court, 15th Street and South Avenue; and

WHEREAS, the memorial service/youth choir reunion was a community event and all were invited to come together for fellowship.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby waive fees of $100.00 for the Green family in honor of Elizabeth Ann Green (Horton).

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:45 P.M.

Carol A. Antonucci
City Clerk

The first session of the July 25, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:07 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson and City Controller Sandra Peploe.

Council Member Walker moved to approve the Minutes from the Council Meeting of July 11, 2016.

Yeas	5
Nays	0
	APPROVED

John Percy, CEO of the Niagara Tourism & Convention Corporation, thanked the Mayor and Council for their support. He noted that in 2015, there was an increase in the amount spent by travelers to Niagara County, and spoke on the various activities and promotions of the Group.

Director of Business Development Anthony Vilardo gave an update on NFC grants/loans and job creation. Council Member Grandinetti requested that he provide a copy of his presentation for each Council Member.

City Assessor James Bird reported that he will have a Presentation ready for the Council at the first meeting in September regarding the reassessments, and he had requested quotes from 3 – 4 vendors for the process. Council Member Grandinetti noted that it is important to get the right information out to the citizens.

Chairman Touma and Council Member Tompkins said that they had purchased their resident parking passes. Council Member Grandinetti asked if the ramps were taking cash only, and City Administrator Nicholas Melson said that was true. He reported that year to date, the City had taken in $749,000 in parking revenue, and would provide the Council Members with comparative figures for last year.

City Administrator Melson said that the new phone system had been installed and issues with the system were being worked out.

City Administrator Melson also reported that the recent oil spill had been mostly contained, the DEC was doing a criminal investigation on the incident, and the City will not be liable for any costs. During the course of the investigation, an additional oil contamination was discovered. Mayor Dyster thanked County Legislator Mark Grozio for his help in this situation.

City Administrator Melson gave a paving update, and Council Member Grandinetti requested that the City look into helping create handicap access at HANCI on Main Street. Council Member Tompkins noted a gap between the areas that were repaired on Niagara Avenue, and City Administrator Melson replied that the worst spots on the street were taken care of first. Acting Director of Parks Robert Spacone added that the Zipper Machine had previously been used on that street, and he would have workers go back to the street to see what repairs were needed.

Council Member Scott asked about training for snow plow drivers, and Mr. Spacone informed him that training was provided for the drivers.

Mayor Dyster reported that a pre-construction meeting for Phase 2 of the Buffalo Avenue Project was held last week. Also, Assembly Speaker Carl Heastie had visited the City and was working to get additional funding for this Project.

The Mayor also reported that he had signed the contract for the Hyde Park playground equipment. Council Member Walker asked when the equipment for D'Amelio Park would be ordered/installed, and a discussion followed with Civil Engineer Robert Buzzelli and Purchasing Director Johnny Destino.

Council Member Tompkins asked for an explanation of the process relative to deeding a property from the Home Ownership Auction back to the former owner (Agenda Item #20), and Community Development Director Seth Piccirillo provided the information for this particular property.

In response to Council Member Scott, Mr. Piccirillo also spoke on the Summer in the City Series of movies to be shown in various sections of the City for the next four Tuesdays.

Council Member Walker commended Superintendent of Police Bryan DalPorto for his help with Pastor Allen in organizing the Saturday basketball game that brought the community together with the Police Department.

Council Member Tompkins inquired about receipt of the Casino funds, and City Controller Sandra Peploe responded that the funds were received for the first quarter of this year, and the amount was slightly down previous amounts.

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

1. A communication relative to purchase of computers and related equipment for the Niagara Falls Fire Department.

Council Member Tompkins 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 #25.

2. A communication relative to funding for defibrillators and accessories for the Niagara Falls Fire Department.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #26.

3. A Resolution relative to a funding application for former St. Mary's Hospital renovation.

Council Member Grandinetti 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 #27.

Council Member Tompkins asked Mr. Piccirillo if this site would be for low income housing, and Mr. Piccirillo said that it would be for an employment center.

Council Member Grandinetti asked Fire Chief Thomas Colangelo if the situation with Rural Metro Ambulance Company was affecting the City, and Chief Colangelo said that it was not at this time.

Council Member Grandinetti had questions on the reorganization of the Purchasing Division (Agenda Item #7), and City Administrator Melson provided the information.

Council Member Grandinetti spoke on funding for improvements at the City Market (Agenda Item #11), and said that these improvements will make the area more safe and bring people back to the area. Chief DalPorto added that the goal was to reduce/lessen crime in the area through environmental design.

This Session ended at 6:25 PM

Chairman Touma reconvened the Meeting at 6:38 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Chairman Touma and he led the gathering in the Pledge of Allegiance to the Flag.

Chairman Touma announced a Special Order of Business, a Public Hearing relative to the lease with right of first refusal of 3625 Highland Avenue by Niagara Falls Urban Renewal Agency to Sandstone Springs, LLC. And asked if there were any speakers relative thereto.

Speakers:

Jockline Pryor	This seems to be a good deal for a new company, give breaks to home owners instead

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

Ron Anderluh	Agenda Item #20
Bob Pascoal	Agenda Items #3, #20
Bill Carroll	Agenda Item #20
Alysia Welch-Chester	Agenda Item #20
Robert Ventry	Agenda Items #11, #14
Steven Fabian	Agenda Item #3
Lynne Neveu	Garden Walk
JaKara Jones	Mapscorps
Che'Kya Moore	Mapscorps
Alicia Rivers	Mapscorps
Micah Jones	Black Lives Matter Movement
Roscoe Daugherty	Issues with trying to purchase property in the City
Jamie Caldwell	Too much negativity in the City; situation at 950 North Ave. handled poorly
Robert Ventry	free parking for City residents; downtown lights out; wrong part of Niagara Ave. paved; Raises for DPW workers; cut spending instead of doing reassessment
Jockline Pryor	Property citations received from ZOOM Team

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JUNE 2016
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CITY PROPERTY: 109 24TH STREET, SALE TO SANDSTONE SPRINGS

Agenda Item #2

The City Council and Niagara Falls Urban Renewal Agency board of directors have completed the steps to authorize the sale by NFURA of 109 – 24th Street to Sandstone Springs, LLC. The parcel is surplus property from the old Allen-McKenna Urban Renewal Plan. The City owned much of the property in the Allen-McKenna Urban Renewal Area. The City deeded its property to NFURA for the purpose of carrying out the Allen-McKenna Urban Renewal Plan.

The title examiner preparing the title search for 109 – 24th Street cannot find a deed for this parcel from the City to NFURA.

The 109 – 24th Street property is shown on tax and assessor records as belonging to NFURA. We are still searching NFURA archives to see if a deed for this parcel can be located, but have exhausted most avenues of inquiry. We are requesting that the City Council authorize execution of a quit-claim deed to clear up any title questions. The quit-claim deed will run to NFURA or to Sandstone Springs, LLC, as the purchaser and title examiner may determine. We hope to close on the sale in August.

Will the Council vote to approve execution of a quit-claim deed for 109 – 24th Street as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

CITY PROPERTY: 326 CEDAR AVENUE, SALE TO BUFFALOVE DEVELOPMENT

Agenda Item #3

The Administration recommends the sale of 326 Cedar Avenue to Buffalove Development at a sale price of $10,000. Disposition of this property was recommended by the Niagara Falls Planning Board on July 13, 2016. This property is owned by the City of Niagara Falls due to tax foreclosure.

The Niagara Falls Community Development Department (CD), in consultation with the Purchasing and Planning Departments, released a Request for Proposal (RFP) for 326 Cedar Avenue in April 2016, with proposals due on May 13, 2016.

Three proposals were received and graded in five categories, on a one to five scale (1 = Weakest / 5 = Strongest)

- Strength of Developer's Renovation Plan and Schedule
- Strength of Developer's Renovation Experience
- Developer's Recognition of the Historic Nature of the Renovation
- Strength of the Developer's Property Management Experience

It is CD's recommendation to sell 326 Cedar Avenue to Buffalove Development for $10,000. All three proposals presented strong renovation plans. As documented in the review sheets, Buffalove Development's understanding of the historic nature of this renovation, as well as its plan to create market rate apartments, led to its high score. It is important to note that internet based unit rentals are not part of the property management plan.

Will the Niagara Falls City Council vote to approve the sale of 326 Cedar Avenue and authorize the Mayor to authorize a sales agreement?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: TRAIN STATION, SCRUFARI CONSTRUCTION COMPANY, INC.

Agenda Item #4

A contract for the above referenced project was awarded to Scrufari Construction Company Inc. 3925 Hyde Park Blvd. Niagara Falls, NY on April 14, 2014 in an amount of $22,691,000.00.

The City Council has over the last two years of construction, approved Change Orders request to date in the amount of $ 1,202,972.84 bringing the total contract amount to $23,893,972.84.

This Change Order covers various contract changes and code requirements from the start of 2016 and is composed of 32 Change Requests that have been reviewed and recommended by the City's consultant Wendel Engineers and the City's Engineering Department.

Most of the items listed in this change request are revisions to the original 'scope of work' for unanticipated but necessary work that involves structural, mechanical, electrical, plumbing, railroad related work, site work and interior modifications.

One of the change requests is for work to complete the Harriet Tubman outside plaza at the interpretive center. Funding for this portion of work is being reimbursed to the City from the Underground Railroad Heritage Commission under an agreement already passed by City Council and through a Grant from Niagara River Greenway Commission.

In addition, there is a need to grant the Scrufari Construction Company, Inc. an extension of time for this project. The contractor was held up by CSX Railroad that resulted in delays in starting and finishing schedule track and site work, which in turn led to building construction delays. The contractor is requesting a time extension to complete contractual work on the rail bridge at no additional cost. Bridge work will be completed no later than August 31, 2016.

Funding for Change Order #6 is a transfer of funds from the "Owners" additional construction contingency budget (within the existing project budget) to the Contractor's budget. The Owner's contingency fund includes matching Federal, State and City's local-share funding (20% matching funds) already approved by City Council and available in a Capital Project Fund HO402, for the Railway Station.

Therefore, it is the recommendation of the undersigned that Change Order #6 in the amount of $652,456.99 be approved; bringing the new contract total to $24,546,429.83 sufficient funds presently exist in Code H0402

Will the Council vote to so approve?

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said this involves no new money to be spent.

NFC DEVELOPMENT CORPORATION, TRANSFER FUNDING

Agenda Item #5

It is desirable that the NFC Development Corporation be able to continue its various economic development activities including making grants and loans. In order to do so, funds must be transferred from the City to NFC Development Corporation. It is requested that the amount of $510,000 be transferred for this purpose.

Funding is available through 2014 casino revenues.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

PURCHASE: 616 NIAGARA STREET

Agenda Item #6

616 Niagara Street is vacant land on the north side of Niagara Street with dimensions of approximately 22 feet of frontage by 82 feet deep and identified as SBL #159.30-1-33, with an assessed value of $5,700.00 and full value of $6,705.88. The owners have indicated a willingness to sell.

City lots in the area have sold for $20,000.00. The purchase price for this lot is $12,000.00

The Planning Board recommend at its June 22, 2016 meeting that the City Council approve the purchase as described herein. A copy of the Planning Board recommendation is attached hereto (on file in the City Clerk's Office).

There are no funds for this purchase in the City budget. NFC Development Corp. appropriated back to the City up to $13,000.00 to pay the purchase price and costs associated with this purchase.

Will the Council vote to approve the purchase of 616 Niagara Street as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0

APPROVED

PURCHASING DIVISION: REORGANIZATION

Agenda Item #7

The City's Purchasing Director advises that the Purchasing Division has an unexpected vacancy resulting from an employee retirement. As the position of Principal Purchasing Clerk was promotional path only and there are currently no eligible employees to fill the vacancy, a new position entitled "Administrative Assistant – Purchasing," prepared and approved by the Niagara Falls Civil Service Commission, is being proposed to replace it.

Due to the seniority of the retiree, this reorganization may result in a savings of as much as $21,202.55. Attached (on file in the Clerk's Office)is the proposed reorganization of the Purchasing Division.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: HOMELAND SECURITY, LEASE OF SPACE AT TRAIN STATION

Agenda Item #8

Attached (on file in the City Clerk's Office) is a proposed lease for the occupancy of a portion of the train station by the Department of Homeland Security.

It is recommended that the Council approve this lease contingent upon the signing of the lease with Amtrak for the train station.

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

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

Yeas 5
Nays 0

APPROVED

Council Member Grandinetti said she toured the Homeland Security section & was quite impressed.

CONTRACT: ACTUARIAL EQUIVALENCE TESTING, FUNDING, MILLIMAN INC.

Agenda Item #9

The City Controller is recommending that the City retain the services of Milliman, Inc. (Engagement Contract on file in the City Clerk's Office) ("Milliman") to perform actuarial equivalence testing in connection with the retiree drug subsidy. Milliman has much experience in this area and has worked in the past with Blue Cross and Blue Shield. The reports Milliman generates will likely result in the City receiving subsidy payments from the federal government. The cost of these actuarial services is $5,000.00 for calendar year 2017. Funding is available from the City Controller's budget line number A.1315.0000.0451.000.

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

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

Yeas 5
Nays 0

APPROVED

CONTRACT: FINANCIAL ADVISORY SERVICES, CAPITAL MARKETS ADVISORS, LLC

Agenda Item #10

Attached (on file in the city Clerk's Office) is a proposed Financial Advisory Services Agreement with Capital Markets Advisors, LLC.

Capital Markets has been the City's financial advisor for a number of years and it is recommended by the City Controller that the City enter into the attached agreement.

Will the Council so approve and authorize the Mayor to execute the attached agreement?

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

Yeas 5
Nays 0

APPROVED

CITY MARKET: IMPROVEMENTS, FUNDING

Agenda Item #11

During the last several months, numerous stakeholders have been working together in order to improve conditions in the City Market which is owned by the City and operated by a private individual. Attached hereto (on file in the City Clerk's Office) is a description of on-going projects as well as those projects which have been accomplished to date.

It is requested that $15,000 be made available from tourism fund balance in order to accomplish some of the projects contained in this letter of request.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

Chairman Touma said he supports Council Member Grandinetti's efforts.

PURCHASE: POLICE DEPT., TASERS/PEPPERBALL LAUNCHERS, FUNDING

Agenda Item #12

The Superintendent of Police is requesting the purchase of four (4) new pepper ball launchers and ten (10) new Tasers together with various pieces of equipment to support these items. The total amount of $23,328.88 is requested. Attached hereto (on file in the City Clerk's Office) is the Police Superintendent's Capital Purchase request which details this expenditure.

Funds are available from casino revenues.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS DEPT.: CAPITAL EQUIPMENT PURCHASE, FUNDING

Agenda Item #13

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

PUBLIC WORKS DEPT., IN-HOUSE SIDEWALK CONSTRUCTION, FUNDING

Agenda Item #14

The Director of the Department of Public Works is requesting that the sum of $50,000 be made available for in-house sidewalk construction. These dollars should be transferred to Account Code H0621.2006.0621.0419.006 which is designated for materials.

Funding is available from casino revenues.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: BICYCLES IN THE CITY, SHARED MOBILITY INC.

Agenda Item #15

The Director of Business Development is requesting that the City enter into a Memorandum of Understanding ("MOU") with Shared Mobility Inc. ("SMI"), a local not-for-profit entity that has partnered with the New York State Energy Research and Development Authority and the New York State Department of Transportation to review and come up with a program for best practices and assistance to upstate New York communities to explore shared mobility networks such as bike sharing. This is at no cost to the City.

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

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

Yeas 5
Nays 0
APPROVED

COLLEGE SIMULATION EXPERIENCE, FUNDING

Agenda Item #16

It is requested that the sum of $1500.00 be made available to assist with the expenses involved in the College Simulation Experience presentation to local youth. This is a program to help motivate and incentivize youth in the community about the benefits of higher education. Funding is available from casino funds.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #17

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2016 to September 30, 2018 .

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

Lori Parsnick	DPW
Joseph Paul	NFPD
Kari Pokoj	City Clerk's Office
Linda Boxer	921 Vanderbilt Ave., NF NY 14305
Matthew Davis II	1317 Ashland Ave., NF NY 14301
Virgil Fiorentini	2236 Grand Ave., NF NY 14301
Elyse Kemp	1543 Centre Ave., NF, NY 14305

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: ROEHNER, DIANA

Agenda Item #18

Date Claim Filed:	February 3, 2014
Date Action Commenced:	N/A
Date of Occurrence:	January 29, 2014
Location:	2453 Independence Avenue
Nature of Claim:	Damage done to real property during road project
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$2,935.44
Make Check Payable to:	Diana Roehner
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: DOLCE, CHARLES

Agenda Item #19

Date Claim Filed:	February 2, 2016
Date Action Commenced:	N/A
Date of Occurrence:	January 20, 2016
Location:	900 block of South Avenue, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Mark Jaroszewski
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$962.55
Make Check Payable to:	Charles Dolce
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yeas	5
Nays	0

APPROVED

IN REM: 204 60TH STREET, DEED BACK TO OWNER

Agenda Item #20

The City acquired title to the above referenced property in the 2012 In Rem proceeding.

The property was not offered at the auction in December, but was offered as part of the Community Development Department's Home Ownership Auction.

When it was learned that there was an occupant of the premises, the City commenced an eviction proceeding and further investigation revealed that the occupant was the former owner.

Due to a number of extenuating circumstances, it is recommended that the City deed the property to the former owner upon the payment of all back taxes (City, County and School), as well as the necessary recording fees.

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

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

Yeas	5
Nays	0

APPROVED

Council Members Scott & Tompkins said improvements are needed in this process.

RESOLUTION: 3625 HIGHLAND AVE., SALE TO SANDSTONE SPRINGS, LLC, 2016-83
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #21

WHEREAS, the Niagara Falls Urban Renewal Agency (NFURA) received a proposal from Sandstone Springs, LLC for the lease with right of first refusal of 3625 Highland Avenue, Niagara Falls, NY, and

WHEREAS, the lease will be for a period of three years at the annual rate of $2.50 per square foot for the space occupied, with a minimum monthly rent of $1,000.00. Utility costs shall be shared *pro-rata* until Sandstone occupies 10,000 square feet, at which time Sandstone shall bear all the costs, and the lease shall contain a right of first refusal for purchase of 3625 Highland Avenue, Niagara Falls, NY, and

WHEREAS, a public notice pursuant to General Municipal Law §507(2)(d) was published in the Niagara Gazette on June 6, 2016 as directed by NFURA, and

WHEREAS, on June 27, 2016 NFURA accepted Sandstone Springs, LLC as a qualified and eligible sponsor for the lease with right of first refusal of 3625 Highland Avenue, Niagara Falls, NY, and

WHEREAS, on June 27, 2016 NFURA did refer the lease with right of first refusal of 3625 Highland Avenue, Niagara Falls, NY to the Niagara Falls City Council for its approval after a public hearing, and

WHEREAS, the City Council did hold a public hearing on said lease with right of first refusal on the 25th day of July, 2016 at 6:00 PM Eastern Daylight Time, in the City Hall Chambers of the City of Niagara Falls, New York at City Hall, 745 Main Street after publication of notice of said hearing

NOW, THEREFORE BE IT RESOLVED, that the City Council does hereby approve pursuant to General Municipal Law §507(2)(d) the proposed lease with right of first refusal of 3625 Highland Avenue by Niagara Falls Urban Renewal Agency to Sandstone Springs, LLC as described herein.

Yeas 5
Nays 0

ADOPTED

Chairman Touma said he is very excited about developing this property.

RESOLUTION: SOUTH END DOWNTOWN GATEWAY & HOUSING INITIATIVE, FUNDING APPLICATION, 2016-84
BY: ALL COUNCIL MEMBERS

Agenda Item #22

WHEREAS, the City of Niagara Falls (City) is submitting a Consolidated Funding Application- through the State of New York's Regional Economic Development Council for the above referenced project; and

WHEREAS, the project has a total cost of at least $10,000,000 with State assistance of up to $2,000,000 and a local share made up of property equity and neighborhood infrastructure improvements from the City, with the balance in the form of private-sector equity investments; and

WHEREAS, the City of Niagara Falls seeks to establish a set of programs to assist developers in acquiring viable properties for the purpose of re-developing existing structures or constructing new residential and/or mixed-use developments; to assist homeowners with renovations; and to provide historic preservation technical services and assistance throughout the "South End" neighborhood (between Pine Ave. and Niagara St., west of Portage Rd.); and

WHEREAS, the City through tax foreclosure has possession of over 100 residentially zoned parcels in the city's Downtown/South End neighborhood; and

WHEREAS, the City identified this as one of seven "Big Moves" in its 2009 Comprehensive Plan and more recently made it a feature component in its application for assistance under the New York State Downtown Revitalization Initiative; and

WHERESAS, the City will solicit for competitive development proposals to achieve the goals of the REDC Economic Development Plan, the 2009 Comprehensive Plan, and the Core City Urban Renewal Plan and to ensure the qualifications of bidders and the viability of proposals; and

WHEREAS, a successful CFA will attract new investment, residents and create new business opportunities and employment, raise property values and increase local tax base and revenues; and

WHEREAS, a combination of regional factors, including changing demographics, real estate market dynamics, and slow economic recovery from the Great Recession, as well as, local factors that include the growing employment in the Downtown/South End tourism and medical sectors that are driving new demand for high-quality housing in vibrant and walkable neighborhoods

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 documents related to this grant.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: SEVENTH & NIAGARA STREETS, FUNDING APPLICATION, 2016-85
BY: ALL COUNCIL MEMBERS

Agenda Item #23

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application- through the State of New York's Regional Economic Development Council for the above referenced project; and

WHEREAS, the project has a total cost of at least $5,000,000 with State assistance of up to $1,000,000, and a local share of up to $500,000 in the form of property equity from the City, with the balance from a preferred developer; and

WHEREAS, the City of Niagara Falls through tax foreclosure has possession of three historic registry-eligible buildings at 610, 614 & 624 Niagara Street; and seven vacant residential lots immediately adjacent and to the north of said buildings, which together create a prime one-acre development parcel with frontage on Niagara Street; and

WHEREAS, the City identified this as a critical element in its application for assistance under the New York State Downtown Revitalization Initiative; and

WHEREAS, young adults and empty nesters have shown a desire to live in traditional urban places, and a market for market-rate residential units has been created due to the growing employment in the downtown tourism and medical sectors in the Downtown / South End; and

WHERESAS, the project properties will be made available through a competitive Request for Proposal Process to ensure the qualifications of bidders and the viability of proposals; and

WHEREAS, the successful project proposals will be eligible for up to twenty-percent of the project costs through this program/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 documents related to this grant.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: DOBBS, KEVIN, SUFFRAGAN BISHOP, CONGRATULATING, 2016-86
BY: ALL COUNCIL MEMBERS

Agenda Item #24

WHEREAS, Christ Redemption Tabernacle Church will host an Elevation Celebration Weekend on Friday, July 22, 2016 and Sunday, July 24, 2016 in recognition of Pastor Kevin Dobbs' recent consecration to Suffragan Bishop of the Kenya Council in the Pentecostal Assemblies of the World; and

WHEREAS, Suffragan Bishop Kevin Dobbs answered the call of god to serve as the founder and pastor of the Christ Redemption Tabernacle Church in Niagara Falls, New York in September of 1999, after serving in various capacities at Emmanuel Temple Apostolic Church for 23 years under the leadership of District Elder William Robinson and founder, the late Bishop William Crossley; and

WHEREAS, With humble beginnings, Bishop Dobbs along with his wife, the late first Lady Mary Ann Dobbs and their four children Nicole, Nicholas, Kevanne and Kary, they followed the faithful call to ministry with sacrifice and servitude by hosting services in the dining room of their home. As more and more souls continued to be added daily to the body of Christ, the Dobbs home could no longer hold the congregation. Morning and evening services moved to a local hotel; and

WHEREAS, in 2006, first lady Mary Ann Dobbs went on to be with the lord. With support, prayer and love from his children as well as Christ Redemption Tabernacle Church, the work of the ministry continued and the lord sent him a gifted and awesome woman of god, Evangelist Dr. Norschenia W. Payne-Dobbs who would serve to be his wife. Bishop Dobbs' family has expanded with Julian, Nora, two daughter in laws; Vicky Payne and Summer Dobbs, as well as four grandchildren; and

WHEREAS, Bishop Dobbs, also known as the "Community Guy" currently serves on the Niagara Falls City School District Board of Education and President of the Niagara Falls Housing Authority Board of Commissions. Bishop Dobbs and his wife, Norschenia, founded and established the Transformation Through Revitalization M.O.V.E. Program; and

WHEREAS, Bishop Dobbs will continue to serve the lord unreservedly and unselfishly. He remarked, "I simply want to preach and teach the gospel and help transform lives. I believe I must deposit hope into the community wherever I go locally, state or nationwide. It's important for me to serve as a positive role model."

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby congratulate Bishop Kevin Dobbs for his many contributions to our great city through his ministerial work.

Yeas 5
Nays 0

ADOPTED

PURCHASE: NFFD, COMPUTERS AND RELATED EQUIPMENT, FUNDING

Agenda Item #25

The Fire Chief is recommending that new computers and related equipment be purchased for all First Line Apparatus in service at the NFFD. This equipment will assist NFFD firefighters in more effectively performing their jobs in responding to various situations.

The total amount requested is $19,962.00. Attached (on file in the City Clerk's Office) is a summary of this equipment provided by the Fire Chief.

Funding is available from casino revenue earmarked for NFFD capital purchases.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

PURCHASE: NFFD, DEFIBRILLATORS AND ACCESSORIES, FUNDING

Agenda Item #26

The Fire Chief is recommending that the City purchase eight (8) new defibrillators plus accessories in order to assist NFFD fire fighters in the performance of their duties. The total amount requested for the eight (8) new defibrillators and accessories is $28,912.68.

Funding is available from casino revenues earmarked for NFFD capital purchases. See the attached (on file in the City Clerk's Office) detail from the Fire Chief.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: FORMER ST. MARY'S HOSPITAL RENOVATION, FUNDING APPLICATION, 2016-87
BY: ALL COUNCIL MEMBERS

Agenda Item #27

WHEREAS, the City of Niagara Falls (City) is submitting a Consolidated Funding Application through the State of New York's Regional Development Council for the above referenced project; and

WHEREAS, the renovation of the former Saint Mary's Hospital at 515 Sixth Street would help strengthen a core residential neighborhood of Niagara Falls; and

WHEREAS, the City of Niagara Falls seeks to attract new employers into the City of Niagara Falls in areas that would be walkable for potential employees and customers; and

WHEREAS, the City identified renovation of vacant buildings as a priority in the 2009 Comprehensive Plan and more recently made it the renovation of this structure a feature component in its application for assistance under the New York State Downtown Revitalization Initiative; and

WHEREAS, a successful CFA will attract new investments, residents and create new business opportunities and employment, raise property values and increase local tax base and revenues; and

WHEREAS, the Memorial Park area is seeing unprecedented levels of housing, commercial and medical investment,

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 grand and is further authorized to execute any and all documents related to this grant.

Yeas	5
Nays	0
	ADOPTED

Council Member Grandinetti said the changes taking place in this neighborhood are very exciting.

Chairman Touma invited all to attend the Community Day at the new Train Station on Saturday, July 30.

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

Carol A. Antonucci
City Clerk

The first session of the 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:04 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Sandra Peploe.

Council Member Grandinetti moved to approve the Minutes from the Council Meeting of July 25, 2016 and the Special Meeting of August 15, 2016.

Yeas 5
Nays 0
APPROVED

Robert Wright of the New York State Office of Real Property Tax Service and Cindy Baire of GAR Associates spoke on the process for reassessments. They said that reassessments create a fair and equal property assessment for property owners to pay their fair share; reassessments do not raise more tax dollars; reassessments are not mandated, but, all properties must be assessed uniformly. The last City-wide reassessment was done in 2004, and the recommendation is for every 4 years.

Mayor Paul Dyster reported that eight additional streets have been added to be paved, and work is currently being done at three playgrounds.

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

1. An amendment to Agenda Item #20, relative to allocation of more Border Services Agency Agents.

Council Member Grandinetti moved to amend the Item by adding "Niagara Falls Bridge Commission" to the heading of the Resolution.

Yeas 5
Nays 0
MOTION TO AMEND APPROVED

2. A communication relative to approval of Consultant Services for 3625 Highland Avenue.

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

Yeas 5
Nays 0
MOTION TO ADD COMMUNNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #28.

3. A Resolution relative to fee waiver for Hyde Park Splash Pad Rental.

Chairman Touma 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 #29.

4. A Resolution relative to supporting the Great Lakes and St. Lawrence Cities Initiative's opposition for the approval of the Waukesha Water Diversion Application.

Council Member Grandinetti 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 #30.

Council Member Tompkins asked if the City was locked into a specific location for the fire training tower (Agenda Item #7). City Administrator Nick Melson responded that this Agenda Item was only for approval to get the Grant process started. Council Member Grandinetti suggested other locations that could be used, including the former Public Safety Building, and a discussion followed.

Council Member Walker asked about the bylaws of the Human Rights Commission that was previously in place, and Deputy Corporation Counsel Thomas O'Donnell responded that the new Board Members will revisit this matter.

This Session ended at 6:00 PM

Chairman Touma reconvened the Meeting at 6:20 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:

Lisa Vitello	Agenda Item #20
Anthony Billoni	Agenda Item #18
Theresa McCabe	Agenda Item #18
Jamie Caldwell	Agenda Item #18
Gary Baillie	Agenda Item #7
Bob Colletti	Agenda Item #7
Jim Williams	Agenda Item #7
Candace Corsaro	Against reassessment
Charles Matar	Against reassessment
Ron Barstys	Against reassessment
Tracey Greene	Conditions in City; not able to file Police Report
Robert Burns	Against reassessment
Ron Anderluh	Against reassessment; two tier tax system; Tourist traffic issues
Bob Pascoal	Against reassessment; Zoning Board issue
Joanne Gialloreto	Against reassessment
Maribeth Gangloff	Against reassessment
Gerald Skrlin	Against reassessment; Buffalo Ave. Heritage District excluded from NFC reassessment
Jon Culvert	Issues in City; Against reassessment
Bob Kendzia	Against reassessment
Frank Soda	Current City assessment role is unfair & needs to be equalized
Vince Anello	Budget issues/Casino revenue; pay for services received
Bill Carroll	Against reassessment

Jamie Caldwell	Changes needed in Niagara Falls
Roy McDowell	Mayor/City Administrator/City Controller at Meetings to answer questions; City Engineer Hiring; Residency; Paving in market area; curfew
Dorothy West	Against reassessment
Arnie Littlewood	Nothing to do in City
John Oggiono	Against reassessment; 72nd St. Water lines; Cost to build Police Station & Train Station; garbage costs
Jean Keene	Reassessment issues
Mary Sanders	Citizens should stop paying taxes as protest

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JULY 2016
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CLAIMS REPORT FOR THE MONTH OF JULY 2016
Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 3625 HIGHLAND AVE., ROOF STABILIZATION PROJECT, JOSEPH A. SANDERS & SONS

Agenda Item #3

A contract for the above referenced project was awarded to Joseph A. Sanders & Sons, Inc. on June 13, 2016 in the Amount of $93,352.00.

During the course of work, conditions to Building #1 were discovered that precluded the contractor from performing the work as specified. The job conditions required installation of counter flashing on the inside masonry parapet wall and additional alterations to this project's original scope.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of $3,919.00, bringing the new contract total to $97,271.00.

Funding for this change order is available from previously earmarked economic development casino funds.

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: USA NIAGARA, 401 BUFFALO AVE. HOTEL, GRANT APPROVAL

Agenda Item #4

The redevelopment of the old Fallside Hotel located at 401 Buffalo Avenue is nearing final completion and is proposed to be open in October of this year. As you know, this project is being undertaken by Merani Hospitality, Inc. At the time the project was commenced in 2010, Empire State Development Corporation and USAN committed approximately $2,750,000 to the redevelopment project. Two Million Dollars is in the form of an Empire State Development convertible loan and $750,000 is in the form of a grant to be provided by USAN upon completion of various benchmarks. This $750,000 grant is to be provided to the City to hold in escrow and disbursed upon the completion of the project and verification by USAN and Empire State Development of various project expenses.

Attached hereto (on file in the City Clerk's Office) is a copy of the Memorandum of Understanding between USAN and the City. As this $750,000 is being transferred to the City to hold in escrow by USAN, there is no cost here to the City.

Will the Council so approve and authorize the Mayor to execute a Memorandum of Understanding with USAN, provided the same is acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: FAMILY & CHILDREN'S SERVICES, REFERRALS FOR YOUTH AT RISK

Agenda Item #5

The City Administrator is recommending that the City renew its Letter of Agreement with Family & Children's Services of Niagara Inc. for referrals on an as-needed basis. The purpose of this service is to utilize it as a resource for youth identified to be at risk. Attached (on file in the City Clerk's Office) is a copy of the request and agreement. There is no cost to the City.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

BLUES FESTIVAL, FUNDING

Agenda Item #6

The Niagara Festival & Entertainment Group is planning to promote and undertake its Annual Blues Festival scheduled to take place on September 16, September 17, and September 18, 2016 on Old Falls Street. The City has been asked to contribute the sum of $2,500.00 to the cost of this festival. Attached (on file in the City Clerk's Office) is a copy of the letter of request. Funds will be dispersed pursuant to a funding agreement prepared by the Corporation Counsel. Funding is available from Tourism Fund balance.

Will the Council so approve and authorize the Mayor to sign a funding agreement approved by the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

FIRE DEPT., FIRE TRAINING TOWER, APPLICATION FOR GRANT

Agenda Item #7

The Fire Chief has identified the need and desirability for the City to construct its own fire training tower. The location of this fire training tower is proposed to be located on City-owned real estate lying behind and in close proximity to the Fire Administration building on Walnut.

In order to begin moving this project along, the Fire Chief is recommending that the City apply for a $500,000 grant through the State and DASNY (request on file in the City Clerk's Office). There is much documentation required to submit in order to begin the grant process and continue its movement.

Will the Council so approve and authorize the Mayor and the Fire Chief to execute any agreements that may be required in order to obtain this grant of $500,000, provided that any such documents and agreements are in a form acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0

APPROVED

Council Members Scott & Tompkins & Chairman Touma said that they were only voting in favor of the Grant.

CONTRACT: USC, COURT CLEANING AND MINOR REPAIRS

Agenda Item #8

It is requested that the City enter into a renewal period in a five year term agreement with the USC for the USC to reimburse the City for cleaning of the Courthouse and minor repairs. The amount of reimbursement for 2016-2017 totals $308,490. Attached hereto (on file in the City Clerk's Office) is a copy of the Letter of Agreement.

Will the Council so approve and authorize the Mayor to execute the annual renewal letter and budget?

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

Yeas 5
Nays 0

APPROVED

BUFFALO AVE. STREETSCAPE PROJECT, GRANT

Agenda Item #9

The City has been notified that the New York State Assembly approved a grant to the City of Niagara Falls in the amount of $500,000 from the New York State Capital Assistance Program for use in the Buffalo Avenue streetscape project. Attached hereto (on file in the City Clerk's Office) is a copy of correspondence from Assemblyman Ceretto advising of this grant. This grant will be administered by the Dormitory Authority of the State of New York. It will be necessary for the City to participate in an application process. Will the Council so approve and authorize the Mayor to execute any documents required in order to receive this provided such documents are acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0

APPROVED

Council Members Grandinetti & Scott & Chairman Touma thanked Assemblyman Ceretto for his help in obtaining this Grant. Chairman Touma said Assemblyman Ceretto is a Champion for our area.

CONTRACT: PORTAGE RD. RECONSTRUCTION PROJECT, L.J. QUIGLIANO II, INC.

Agenda Item #10

The following is the result of bids received on August 30, 2016, for the above referenced project:

CONTRACTOR	BASE BID
L.J. Quigliano II Inc. 2395 Lockport Rd. Sanborn NY 14132	$842,183.24
Yarussi Construction, Inc.	$877,700.00
Mark Cerrone, Inc.	$927,000.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, L.J. Quigliano II, Inc. in the amount of $842,183.24. Funding is available via the City's annual NYSDOT CHIPs allotment.

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

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

Yeas 5
Nays 0

APPROVED

CONTRACT: 3625 HIGHLAND AVE., ENVIRONMENTAL REMEDIATION ABATEMENT, MARK CERRONE INC.

Agenda Item #11

The following were the result of bids received on August 30, 2016 for the above referenced project:

CONTRACTOR	BASE BID	ALT. 1	ALT. 2	WATER/POWER ALLOWANCE
Mark Cerrone Inc. 2368 Maryland Ave. Niagara Falls NY 14305	$96,000.00	$37,300.00	$7,600.00	$12,735.00
Regional Environmental Demolition	$182,000.00	$24,000.00	$8,000.00	$8,000.00
Metro Contracting & Environmental	$216,700.00	$72,200.00	$10,600.00	$4,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder
Mark Cerrone, Inc. at their total bid of $153,635.00 to include alternates #1 and #2 and the water/power allowance.

Funding for this change order is available from previously earmarked economic development casino funds.

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

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

Yeas 5
Nays 0

APPROVED

CONTRACT: WORKER'S COMPENSATION CLAIMS, NORTHEAST ASSOCIATION MANAGEMENT, INC.

Agenda Item #12

Since 2005, the City's Workers' Compensation claims have been handled by the Public Employees Risk Management Association ("PERMA"). This includes both claims existing prior to 2005 and the claims that have arisen since joining PERMA in 2005.

The pre-2005 claims have been handled through PERMA's affiliated entity Northeast Association Management, Inc. ("NEAMI") as the third party administrator for the claims. Recent changes by the Workers' Compensation Board required that the City enter into a separate agreement with NEAMI to provide this service.

This is handled on a yearly basis beginning on September 1 of each year.

It is now time to enter into a renewal agreement with NEAMI for the September 2016 to September 2017 year. The claims will continue to be handled on the same basis and it is recommended that the Council authorize the Mayor to execute an agreement with NEAMI in a form acceptable to the Corporation Counsel.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CITY PROPERTY: PORTER RD. DEC, ORDER ON CONSENT

Agenda Item #13

The DEC inspected City real estate located north of Porter Road off New Road (the "Premises") and found several violations of the State of New York Environmental Conservation law. Those violations consisted primarily of sweeper dirt stored on the Premises as well as various types of regulated solid waste. This solid waste consisted primarily of land clearing debris, yard waste, construction and demolition debris, etc. much of which was deposited at the Premises by unknown third parties over a 15 to 20 year period of time.

Since the DEC notified the City of these violations, the City has taken steps to make certain that there is no disposal of regulated solid waste at the Premises, immediately limited access to the Premises in order to prevent any further illegal dumping and has commenced the cleanup of the Premises by in-house DPW employees. As per the Order on Consent, a complete clean up of the Premises must be accomplished by July 15, 2017 with monthly progress reports submitted to the DEC.

Finally, the DEC is imposing a fine on the City in the amount of $10,000. Seven Thousand Five Hundred Dollars of this is suspended pending the final clean up of the Premises and full compliance with the Order on Consent with the City paying $2,500 to the DEC as part of this Order on Consent. Attached hereto (on file in the City Clerk's Office) is a copy of this Order on Consent along with a Schedule of Compliance.

Funding is available to pay this amount.

Will the Council so approve and authorize the Mayor to execute any documents required by the DEC to finalize this matter provided they are in form acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: FORESTVIEW CHURCH OF GOD

Agenda Item #14

Date Claim Filed:	November 24, 2015
Date Action Commenced:	N/A
Date of Occurrence:	November 22, 2015
Location:	601 88th Street, Niagara Falls, New York
Nature of Claim:	Damage to vehicle from fallen tree limb.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$3,915.49
Make Check Payable to:	Forestview Church of God
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yeas 5
Nays 0
APPROVED

CLAIM: NIKALOVA, AMANDA

Agenda Item #15

Date Claim Filed: June 27, 2008	
Date Action Commenced:	September 24, 2008
Date(s) of Occurrence:	April 22, 2008
Location:	Old Falls Street
Nature of Claim:	Injuries sustained in an accident on City right-of-way
City Driver:	N/A
Status of Action:	Pre-trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$65,000.00
Make Check Payable to:	Amanda Nikalova and Viola, Cummings & Lindsay, LLP
Conditions:	General Release 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

304 70TH STREET, TITLE ISSUE

Agenda Item #16

The City was recently approached by the owner of the above referenced property regarding a title issue as to ownership of the southerly 15' of the premises.

After research it was determined that this portion of the property had been foreclosed by the City in an In-Rem proceeding that commenced in 1960 and the property was sold at an auction to Thomas Poulos in 1963.

It appears that although Mr. Poulos deeded the property to a third party, the deed from the City to Mr. Poulos was never recorded and this issue did not become apparent until recently. The property has been maintained since 1963 by the successors to Mr. Poulos.

Based on the research and the fact that the City did sell the property in 1963, it is requested that the Council authorize the Mayor to execute a deed to the current owner of the premises, Ms. Andrea Willmott to clear the title to the property.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

SECONDHAND DEALER LICENSE, APPROVAL

Agenda Item #17

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 Niagara Falls Police Department.

Niagara Coin & Collectables
509 Third St
Niagara Falls, NY 14301

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

RESOLUTION: USE OF TOBACCO, NICOTINE OR OTHER LIKE SUBSTANCES UPON REAL PROPERTY OWNED OR LEASED BY THE CITY OF NIAGARA FALLS, ADOPTION OF ORDINANCE, 2016-90
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #18

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 710 of the Codified Ordinances entitled "USE OF TOBACCO, NICOTINE OR OTHER LIKE SUBSTANCES UPON REAL PROPERTY OWNED OR LEASED BY THE CITY OF NIAGARA FALLS" is hereby adopted to read as follows:

CHAPTER 710

USE OF TOBACCO, NICOTINE OR OTHER LIKE SUBSTANCES UPON REAL PROPERTY OWNED OR LEASED BY THE CITY OF NIAGARA FALLS

710.01 Declaration of Intent
710.05 Posting of Signs
710.02 Definitions
710.06 Violations and Penalties
710.03 Prohibition
710.07 Effect on Other Laws
710.04 Exceptions
710.08 Severability

710.01 Declaration of Intent

The Niagara Falls City Council finds that the use of tobacco, nicotine or other like substances on real property owned or leased by the City should be prohibited in order to:

(A) Protect the public health, safety and general welfare by eliminating exposure to secondhand smoke and residue produced as a result of the use of tobacco, nicotine and other like substances.

(B) Acknowledge the need of nonsmokers, especially children, to breathe smoke-free air; recognizing the danger to public health which secondhand smoke causes.

(C) Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke should have priority over the desire and convenience of smoking on real property owned or leased by the City.

(D) Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke and residue from tobacco, nicotine and other like substances while on real property owned or leased by the City.

(E) Encourage the cessation of tobacco, nicotine and other like substances use by all persons to promote longevity and reduce disease and its cost to society.

710.02 Definitions

As used in this Chapter, "use of tobacco, nicotine or other like substances" or "tobacco, nicotine or other like substances use" shall mean and include, but not be limited to, the burning of a lighted cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vape pen, any cartridge or other component of the device or related product or any other matter of substance which contains tobacco, nicotine or other like products, and chewing, holding in the mouth, and/or expectorating of chewing tobacco, nicotine or other like products, or any other matter or substance which contains tobacco, nicotine or other like substances.

710.03 Prohibition

Use of tobacco, nicotine or other like substances shall be prohibited upon all real property owned or leased by the City of Niagara Falls, and within all City-owned vehicles, except as provided in Section 4 of this Chapter.

710.04 Exceptions

The provisions of this Chapter shall not apply to:

(A) A privately owned moving motor vehicle which is not engaged in City service and which is in the process of exiting or entering real property owned or leased by the City of Niagara Falls.

(B) Areas in City parks and recreation areas reserved for private parties not open to the general public.

710.05 Posting of Signs

"TOBACCO, NICOTINE OR OTHER LIKE SUBSTANCES USE IS PROHIBITED", or "NO USE OF TOBACCO, NICOTINE OR OTHER LIKE SUBSTANCES" signs, using international symbols (where possible) shall be prominently and conspicuously posted upon the entrance to all real property where tobacco use is regulated by this Chapter. Said signs shall be protected from tampering, damage, removal or concealment.

710.06 Violations and Penalties

(A) Tobacco, nicotine and other like substances use shall be unlawful in any area where said use is prohibited by the provisions of this Chapter.

(B) Any person who violates any provision of this Chapter shall be guilty of a violation, punishable by a fine not to exceed Two Hundred Fifty Dollars ($250.00) and up to fifteen (15) days in jail.

710.07 Effect on Other Laws

This Chapter shall not be interpreted nor construed to permit tobacco use where it is otherwise restricted by other applicable laws including, but not limited to, the New York State Indoor Clean Air Act.

710.08 Severability

If any section, subsection, sentence, clause, phrase or other portion of this Chapter is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this Chapter, which shall remain in full force and effect.

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

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: RESIDENT PARKING RATES IN DOWNTOWN NIAGARA FALLS, 2016-91
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #19

WHEREAS, during the City Council meeting held on May 31, 2016, the City Council established rates for parking on certain streets in the City of Niagara Falls and also established rates for parking in the three (3) City owned parking lots and parking ramp in the downtown area of the City of Niagara Falls; and

WHEREAS, this City Council believes that residents of the City of Niagara Falls should be able to park in the three (3) City owned parking lots and the parking ramp in the downtown area at a reduced rate when attending events and/or visiting locations in the downtown area rather than pay established per diem rates; and

WHEREAS, this City Council believes that a $25.00 annual fee to be paid by a resident of the City of Niagara Falls for the first passenger vehicle or SUV registered at that resident's home address and a $15.00 annual fee for each second, third and fourth passenger vehicle or SUV registered at that resident's home address in order to park in the three (3) City owned lots and the parking ramp located in downtown Niagara Falls when attending events and/or visiting locations in the downtown area is fair and reasonable (the "Residency Swipe Card").

NOW, THEREFORE, BE IT RESOLVED, that commencing on September 7, 2016, residents of the City of Niagara Falls may purchase from the Director of the Department of Public Works or his designee a Resident Swipe Card which will be in effect for a one year period of time from the date of purchase which will enable that resident (or his or her designee) to park his or her passenger vehicle or SUV in the three (3) City owned parking lots located at the corner of Third Street and Niagara Street or Third Street or First Street and Rainbow or the City parking ramp for a $25.00 annual fee for the first passenger vehicle or SUV registered at that resident's home address and a $15.00 annual fee for each second, third and fourth passenger vehicle or SUV registered at that resident's home address. Resident Swipe Cards are not available for purchase for more than a total of four passenger vehicles or SUVs registered at each resident's home address.

AND BE IT FURTHER RESOLVED that a Resident Swipe Card is issued to a specific passenger vehicle or SUV registered at a resident's home address in the City of Niagara Falls and may be utilized by any person designated by the resident to operate such passenger vehicle or SUV registered at a resident's home address.

AND BE IT FURTHER RESOLVED that such Resident Swipe Card may be utilized by a resident purchaser (or his or her designee) only when that resident purchaser (or his or her designee) is attending events and/or visiting various locations downtown and may not be utilized by a resident purchaser (or his or her designee) if such resident purchaser is employed at a business located in the downtown area and is reporting to his or her job rather than attending an event and/or visiting a location in the downtown area.

AND BE IT FURTHER RESOLVED that the Resident Swipe Card may be utilized any day of the week, at any time of day, inclusive of Saturday, Sunday and holidays, without restriction and that Residents who purchased Resident Swipe Cards between July 12, 2016 and September 6, 2016 may also be permitted to utilize the Resident Swipe Card they purchased any day of the week, at any time of day, inclusive of Saturday, Sunday and holidays, without restriction.

AND BE IT FURTHER RESOLVED that each Resident Swipe Card is assigned to a specific passenger vehicle or SUV and may not be transferred or utilized for a vehicle other than the one it is assigned to.

AND BE IT FURTHER RESOLVED that in addition to the annual fee for each Resident Swipe Card, the resident purchaser is required to pay a $10.00 security deposit for each Resident Swipe Card issued to him or her, which security deposit will be refunded to the resident purchaser at such time as the Resident Swipe Card is surrendered to the Director of the Department of Public Works.

AND BE IT FURTHER RESOLVED that such Resident Swipe Card must be displayed upon entering or exiting the three (3) City owned parking lots or parking ramp when that resident (or his or her designee) is parking in the City owned parking lots or parking ramp in downtown Niagara Falls.

AND BE IT FURTHER RESOLVED that the Director of the Department of Public Works or his designee will determine the criteria required to establish residency as well as the protocol required to be followed by the resident purchaser (or his or her designee) in the utilization of the Resident Swipe Card.

Yeas	5
Nays	0
	ADOPTED

Chairman Touma said this will help our residents.

RESOLUTION: CANADA BORDER SERVICES AGENCY AGENTS, REQUEST TO THE GOVERNMENT OF CANADA AND NIAGARA FALLS BRIDGE COMMISSION, 2016-92
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #20

WHEREAS, Canada welcomes approximately 30 million American visitors each year and many of them enter our country at one of Niagara's four bridges located at Fort Erie, Niagara Falls and Niagara-on-the-Lake; and

WHEREAS, for some time, it has been apparent that there has been an inadequate allocation of Canada Border Services Agency officers manning the points of entry into Canada at the Peace Bridge, Rainbow Bridge, Queenston-Lewiston Bridge and the Whirlpool Bridge; and

WHEREAS, this has resulted in the back-up of both passenger and commercial vehicles attempting to cross these bridges into Canada for as much as one and a half hours during June, July and early August and, on occasion, such delays have been experienced on busy weekends at other times during the year; and

WHEREAS, sitting in long lines of slow-moving traffic awaiting Customs clearance on hot summer days discourages visitors from attempting to come to Canada, hampers the movement of goods in both directions, negatively affects commercial enterprises on both sides of the border, clogs local streets and major highways and degrades the environment; and

WHEREAS, the continuation of this situation in which the local economies of communities on both sides of the border, the safety of our residents and workers at the bridge, the effective movement of commercial shipments and proper management of our border crossings are all at the mercy of the Canada Border Services Agency (CBSA) is intolerable; and

WHEREAS, the value of goods crossing at the Peace Bridge alone each year totals more than $40 billion; and

WHEREAS, examples of too few lanes for clearing traffic at the various bridges along the Niagara border abound; and

WHEREAS, statements by representatives of the CBSA that it is meeting established standards to move traffic, that it adequately monitors traffic patterns, or that unavoidable traffic surges cause delays are not reflective of the actual situations that are occurring at the border crossings and do not respond to the concern that potentially millions of dollars are being lost in cross-border tourism and in the manufacturing sector due to the wait times at our Niagara borders; and

WHEREAS, those responsible for managing the Niagara bridges, the Buffalo-Fort Erie Public Bridge Authority and the Niagara Falls Bridge Commission, have been in the business for decades of predicting traffic flows and the need for human resources to meet those traffic flows, for both passenger and commercial vehicles; and

WHEREAS, these bridge authorities have made repeated pleas to the CBSA for the allocation of additional human resources (customs officers) at these major border crossings, without success to date, and

WHEREAS, this is a matter of national importance that affects the economy of both Canada and the United States, the safety of Canadians and Americans alike; Canada's relationship with the United States, its greatest friend and trading partner; and, indeed, Canada's image; and

WHEREAS, this issue is of critical importance for the federal government to address now with the hopes of attracting even more visitors from around the world in celebration of Canada's 150th Anniversary next year and with the intention of assuring manufacturers that Canada prides itself on its reputation as a trading nation and will take all measures necessary to facilitate the movement of goods across our border with the United States; and

WHEREAS, the Mayors who represent the communities along both sides of the Niagara River and the Chair of the Niagara Region, have corresponded with The Honourable Ralph Goodale, Minister of Public Safety and Community Preparedness for Canada, to apprise him of the economically damaging, unsafe and unacceptable situation that persists in the Niagara border crossings between Canada and the United States; and

WHEREAS, this situation that can no longer be ignored and is one that our communities should no longer be expected to endure;

NOW THEREFORE BE IT RESOLVED that the Federal Government of Canada act immediately to allocate the necessary human resources (Customs officers) to the international bridges along the Niagara River at Fort Erie, Niagara Falls and Niagara-on-the-Lake to ensure the safe and timely movement of people and goods across our border with the United States; and

BE IT FURTHER RESOLVED that the Niagara Falls City Council supports the development of a strategy in conjunction with other border communities to attain the objective of securing the necessary allocation of customs officers at the Niagara border crossings; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to The Right Honourable Justin Trudeau, Prime Minister of Canada; The Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness; The Honourable Marc Garneau, Minister of Transport; The Honourable Chrystia Freeland, Minister of International Trade; The Honourable Bardish Chagger, Minister of Small Business and Tourism; The Honourable Kathleen Wynne, Premier of Ontario; The Honourable Eleanor McMahon, Minister of Tourism, Culture and Sport; The Honourable Brad Duguid, Minister of Economic Development and Growth; The Honourable Steven Del Duca, Minister of Transportation; Senator Charles E. Schumer; Senator Kirsten Gillibrand; Congressman Brian Higgins; Linda Lizotte-MacPherson, CBSA President; Ron Rienas, General Manager, Buffalo-Fort Erie Public Bridge Authority; Lew Holloway, General Manager, Niagara Falls Bridge Commission; Mayor Byron Brown, City of Buffalo, NY; Mayor Jim Diodati, City of Niagara Falls, ON; Mayor Paul Dyster, City of Niagara Falls, NY; Lord Mayor Patrick Darte, Town of Niagara-on-the-Lake, ON; Mayor Terry Collesano, Village of Lewiston, NY; Regional Chair, Alan Caslin; Chris Bittle, MP (St. Catharines); Vance Badawey, MP (Niagara Centre); Rob Nicholson, MP (Niagara Falls); Dean Allison, MP (Niagara West); Wayne Gates, MPP (Niagara Falls); Tim Hudak, MPP (Niagara West); The Honourable James Bradley, MPP (St. Catharines); Cindy Forster, MPP (Welland).

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: HUMAN RIGHTS COMMISSION, DECREASE IN MEMBERSHIP, 2016-93
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, WALKER, CHAIRMAN TOUMA

Agenda Item #21

WHEREAS, the City of Niagara Falls, New York created the Human Relations Commission by Resolution by the City Council dated July 30, 1964; and

WHEREAS, said Resolution was amended by further Resolution of the City Council dated July 5, 1967, thereby establishing the composition of said Commission at twenty-nine (29) members, and said Resolution was further amended by City Council Resolution dated July 30, 1970 renaming said Commission the Human Rights Commission, and said Resolution was further amended by Resolution dated February 2, 1976 decreasing the membership of said Commission from twenty-nine (29) members to eighteen (18) members, and further amended by Resolution dated February 14, 1977 granting the power of appointment to the City Council; and

WHEREAS, it is in the best interests of the said Commission and the City of Niagara Falls, New York to decrease the number of members of said Commission in order that the Commission may effectively transact its business.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that said previous Resolutions are hereby amended to decrease the membership of said Commission from eighteen (18) members to eleven (11) members; and

BE IT FURTHER RESOLVED, that since the terms of all present members of the Commission have expired, their membership on the Commission is hereby terminated effective immediately and they are thanked for their service on the Commission; and

BE IT FURTHER RESOLVED, that the term of members of the Commission be continued at three (3) years expiring on December 31st; and

BE IT FURTHER RESOLVED, that since all members are being appointed by separate resolution, that the initial terms be staggered so that four members expire on December 31, 2017, four members expire on December 31, 2018 and three members expire on December 31, 2019; and

BE IT FURTHER RESOLVED, that this resolution will take effect immediately.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: COLLATERAL LOAN BROKERS A/K/A PAWNBROKERS, ORDINANCE AMENDMENT, 2016-94
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #22

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 337 of the Codified Ordinances entitled "Collateral Loan Brokers A/K/A Pawnbrokers" is hereby amended by amending Section 337.24, replacing the existing Section 337.25 with a new Section 337.25 and amending Sections 337.26, 337.27 and 337.28 to read as follows:

337.24 PROHIBITED ACTS; HOURS OF BUSINESS.

A. It shall be unlawful for any collateral loan broker or person in the employ of a collateral loan broker to sell, dispose of, destroy, alter or remove from such broker's premises any goods, chattels, wears or merchandise until the expiration of 21 calendar days after the acquisition by such broker of any such goods, chattels, wears or merchandise.

B. When requested to do so by the appropriate law enforcement agency in connection with a law enforcement investigation, it shall be unlawful for any collateral loan broker or person in the employ of a collateral loan broker to sell, dispose of, destroy, alter or remove from such broker's premises any goods, chattels, wears or merchandise until the expiration of 30 calendar days from the date of the request. Upon the written request of the law enforcement agency, the property shall be held for up to two (2) additional 30 day periods.

[A] C.No collateral loan broker or person in the employ of a collateral loan broker shall receive or purchase any goods, chattels, wares or merchandise from, or make any loan or advance or permit to be loaned or advanced to any child, actually or apparently under the age of eighteen years, any money or in any manner directly or indirectly receive any goods, chattels, wares or merchandise from any such child in pledge for loans made or to be made to it or to any other person or otherwise howsoever. It shall be no defense to a violation of this section, that in the transaction the child acted as the agent or representative of another, or that the broker or his agent dealt with such child as the agent or representative of another.

[B] D.No collateral loan broker shall employ any clerk or other person under the age of eighteen years to take in any pledge, nor shall the said broker or his agents receive any goods by way of pawn or pledge before 8:00 a.m. or after 6:00 p.m. on weekdays, except Saturday, and then only between the hours of 8:00 a.m. and 12:00 midnight, nor shall any business be transacted by collateral loan brokers on any Sunday or holiday includes New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans's Day, Thanksgiving Day and Christmas Day.

337.25 RELEASE OF STOLEN PROPERTY.

A. A collateral loan broker shall release to an appropriate law enforcement agency any item in the collateral loan broker's possession if:

(1) The item is established to be stolen; and

(2) The owner of the item or the victim of the theft has positively identified the item and provided an affidavit of ownership and made a report of the theft to a law enforcement agency; and

(3) The stolen property report describes the item by one (1) or more of the following: date, initials, an insurance record, a photograph, a sales receipt, a serial number, specific damage, a statement of facts that show the item is one-of-a-kind or a unique engraving; and

(4) The collateral loan broker is given a receipt for the item released.

B. When the appropriate law enforcement agency no longer needs an item for evidence, it shall be returned to the owner.

[337.24] 337.26 CONTINUING EDUCATION REQUIREMENT

• • •

[337.25] 337.27 VIOLATIONS OF THIS ORDINANCE

• • •

[337.26] 337.28 SIGN REQUIRED

• • •

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

Yeas	5
Nays	0
	ADOPTED

Chairman Touma said the Police Chief had recommended this amendment to enable Pawn Shops to hold property longer.

RESOLUTION: AMEND SECTION 1.3 OF THE CITY CHARTER OF 1985, IN PROPER FORM PURSUANT TO SECTION 3.11 OF THE CITY CHARTER OF 1985,
BY: COUNCIL MEMBER KENNY TOMPKINS

Agenda Item #23
THIS ITEM WAS PULLED
NO ACTION TAKEN

RESOLUTION: HUMAN RIGHTS COMMISSION, APPOINTMENTS, 2016-95
BY: ALL COUNCIL MEMBERS

Agenda Item #24

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Human Rights Commission, effective immediately, for the term expiring on the date which appears opposite their name:

APPOINTMENT:	TERM EXPIRES:
Saladin Q. Allah 2113 10th Street #1 Niagara Falls, NY 14305	12/31/2017
Brian Archie, Sr. 2816 20th Street Niagara Falls, NY 14305	12/31/2017
Bob Belton 2951 21st Street Niagara Falls, NY 14305	12/31/2017

Allen Booker 12/31/2017
151 Buffalo Avenue
Niagara Falls, NY 14303

Angela Bray 12/31/2018
3050 Orleans Avenue
Niagara Falls, NY 14303

Charles Learn 12/31/2018
69 Deuro Drive
Niagara Falls, NY 14304

Ida Massaro 12/31/2018
435 79th Street
Niagara Falls, NY 14304

Denise Mejia 12/31/2018
1921 Tenth Street
Niagara Falls, NY 14305

Nicholas A. Pelosino, Jr. 12/31/2019
800 Main Street – Suite 4C
Niagara Falls, NY 14301

John K. Spanbauer 12/31/2019
1056 North Military Road
Niagara Falls, NY 14304

Colleen H. Todd 12/31/2019
3074 Macklem Avenue
Niagara Falls, NY 14305

Yeas 5
Nays 0
ADOPTED

RESOLUTION: WILLING WORKERS PICNIC, WAIVER OF OASIS RENTAL FEES, 2016-96
BY: ALL COUNCIL MEMBERS

Agenda Item #25

WHEREAS, the Niagara Falls City Council wishes to do its part to foster the community bonds that are strengthened by the Willing Workers Senior Group of Mount Erie Baptist Church.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby waive the fee for rental of the Oasis at Hyde Park for the picnic that took place on August 9, 2016.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ASSESSMENT REVIEW BOARD, REAPPOINTMENT, 2016-97
BY: ALL COUNCIL MEMBERS

Agenda Item #26

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Assessment Review Board, effective September 30, 2016, for the term expiring on the date which appears opposite his name:

REAPPOINTMENT:	TERM EXPIRES:
Mr. J. Gary DiLaura 7605 West Rivershore Drive Niagara Falls, NY 14304	9/30/2021

Yeas 5
Nays 0
ADOPTED

RESOLUTION: INTEGRATED AND SUSTAINABLE PUBLIC TRANSPORTATION SYSTEM, 2016-98
BY: ALL COUNCIL MEMBERS

Agenda Item #27

WHEREAS, this City Council has been made aware of the existence of a petition that supports the development of an integrated and sustainable public transportation system; and

WHEREAS, growing numbers of Americans, notably young adults and baby boomers approaching retirement, prefer to locate in regions that have efficient multimodal mobility systems, including the option to live free of car dependency; and

WHEREAS, transit moves people safely and cost effectively to work, shopping and recreation without scarring our waterfront, park land and downtown streetscapes with acres of parking; and

WHEREAS, many households in the City of Niagara Falls do not own vehicles and rapid transit expands mobility options for all socioeconomic groups, including those who rely on public transportation to get to suburban jobs, shopping, healthcare, educational institutions and all other personal needs; and

WHEREAS, investments in light rail and bus rapid transit are transforming cities across North America and stimulating commercial and residential development along the improved transit lines; and

WHEREAS, automobiles in New York state collectively emit 70 million metric tons of CO2 per year, more than carbon emissions from industrial, residential or commercial sources.

NOW, THEREFORE, This City Council does hereby join in the petition for an integrated and sustainable public transportation system; and

BE IT RESOLVED that this City Council calls upon the Niagara Frontier Transit Authority and our business and community leaders to take action to provide more comprehensive and sustainable public transportation service for the Buffalo-Niagara region and specifically for the City of Niagara Falls and, in particular include, (1) Extensions of metro rail along the highest demand corridors with (2) intermodal connectivity to air and inner city rail and (3) establishment of long-term sustainable transit funding; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Niagara Frontier Transportation Authority, Assemblyman John Cerretto and Senator Rob Ortt.

Yeas 5
Nays 0
ADOPTED

CONTRACT: 3625 HIGHLAND AVE, CONSULTANT SERVICES

Agenda Item #28

Based upon a City contract previously award to UNYSE Environmental Consultants for environmental services and approved by City Council, a proposal for third-party monitoring and inspection for environment remediation at 3625 Highland Avenue was secured.

This monitoring is required by New York State law and is in conjunction with the Environment Remediation Abatement contract to be awarded for work at 3625 Highland Avenue.

Funding for the Air Monitoring & Visual Inspection is available from previously earmarked economic development casino funds.

It is the recommendation of the undersign that the Consultant Services for Air Monitoring & Visual Inspection be awarded to UNYSE Environmental Consultants under their previous agreed unit fee schedule not to exceed $12,000.00.

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: HYDE PARK SPLASH PAD, FEE WAIVER, SCHOOL FAMILY PICNIC, 2016-99
BY: ALL COUNCIL MEMBERS

Agenda Item #29

WHEREAS, Hyde Park Elementary Pre-Kindergarten and Kindergarten teachers would like to have a welcome back to school family picnic on September 16th from 10am – 2pm. Pre-kindergarten and kindergarten teachers will be sharing the cost of this event and ask that fees be waived for students and their families.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby waive fees for the use of the Splash Pad for Hyde Park Elementary School.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: WAUKESHA WATER DIVERSION APPLICATION, GREAT LAKES AND ST. LAWRENCE CITIES INITIATIVE'S OPPOSITION, 2016-100
BY: ALL COUNCIL MEMBERS

Agenda Item #30

WHEREAS, the Great Lakes and St. Lawrence River Basin represents approximately 20% of the world's surface freshwater resource and supports the third largest economy in the world; and

WHEREAS, on December 13, 2005, the Great Lakes Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin, and the Premiers of Ontario and Quebec signed the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement (the "Agreement"), and the Governors endorsed the companion Great Lakes—St. Lawrence River Basin Water Resources Compact (the "Compact"), which was later approved by the United States Congress and signed by the President, banning new water diversions from the Basin except in communities located in counties straddling the water division line between the Great Lakes-St. Lawrence Basin and other basins; and

WHEREAS, the City of Waukesha, WI, is located in Waukesha County, a county straddling the basin division line; and

WHEREAS, the City of Waukesha applied to the Wisconsin Department of Natural Resources under the exception for a "Community within a Straddling County" to use Lake Michigan as its source of drinking water (the "Waukesha Application"); and

WHEREAS, the Compact requires proposals for diversions to satisfy seven specific conditions; and

WHEREAS, the Regional Body, after having reached an agreement on a Declaration of Finding and a set of conditions for the application, forwarded its recommendation to the Compact Council, and that all eight Great Lakes states voted in favor of the Waukesha Application; and

WHEREAS, on June 21, 2016, the Compact Council issued its Final Decision approving the Waukesha Application with Conditions; and

WHEREAS, the Waukesha Application does not meet the terms of the Agreement nor the Compact, and the precedent-setting nature of the Final Decision to approve the Application is of great concern to the Mayors of the Great Lakes and St. Lawrence Cities Initiative; and

WHEREAS, the approved service area still contains parts of communities which are not part of the City of Waukesha and which have not demonstrated a need for the water, amounting to a clear violation of the Compact; and

WHEREAS, this broader service area is not a "Community within a Straddling County" as defined and required by the exception conditions in the Agreement and Compact; and

WHEREAS, there are reasonable water supply alternatives to meet the drinking water quantity and quality needs of the City of Waukesha; and

WHEREAS, the impacts of the proposed return flow of water through the Root River to Lake Michigan are likely to have adverse impacts on the ecosystem and to the urban shores of the mouth of the River; and

WHEREAS, the Conditions for Approval were not subject to public comment while debated by the Regional Body and Compact Council despite the Compact's requirement that all relevant information be available to the public for comment; and

WHEREAS, the Regional Body review process did not provide adequate opportunity for public comment as only one public meeting was held in the City of Waukesha, and that hundreds of public comments against the Application did not appear to be considered during the Regional Body or Compact Council process.

NOW,THEREFORE, BE IT RESOLVED, that the City of Niagara Falls affirms its commitment to the protection of our water resources by calling on the Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin, and their representatives on the Compact Council to reconsider their Final Decision to approve the Waukesha Application; and

BE IT FURTHER RESOLVED, that the City of Niagara Falls supports any and all challenges on behalf of the Great Lakes and St. Lawrence Cities Initiative to the Compact Council's approval of the Waukesha Application, especially given the precedent set by the Application's approval; and

BE IT FURTHER RESOLVED, that the City of Niagara Falls urges the Governors and Premiers of the Regional Body and Compact Council, consistent with good public policy, to reverse its approval of the Waukesha diversion application and ensure that the provisions of the Compact are strictly applied in this and any future application in order to protect the finite water resources of the Great Lakes and St. Lawrence River basin.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:40 P.M.

Carol A. Antonucci
City Clerk

SEPTEMBER 19, 2016

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the September 19, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:10 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Sandra Peploe.

Council Member Walker moved to approve the Minutes from the Council Meeting of September 19, 2016.

Yeas	5
Nays	0
	APPROVED

John Cooper, Chairman of the Niagara Military Affairs Council, gave an annual update and noted that the Niagara Falls Air Base is on solid ground for growth, and thanked the Council for their support.

Kevin MacKenzie of DocuPet spoke on municipal dog licensing by the company. The company is Canadian based, and the municipalities that it contracts with have increased revenue and compliance with licensing.

Community Development Director Seth Piccirillo gave a presentation on Home Purchase/Value Trends in the City. He reported that the number of Home Owner Closing Cost Grants are up, the average sale price is up, and many homes have sold for a price higher than their assessed value. Council Member Scott inquired about condensing the Leased Housing Manual, or, as an alternative, providing a shorter summary and Mr. Piccirillo replied that there are very strict government guidelines that must be followed, and his staff uses the Manual to insure full compliance. Mr. Piccirillo also added that meetings would soon be set up for citizen comment on the 2017 CD Action Plan. Mayor Paul Dyster and Chairman Touma commended Mr. Piccirillo for his work.

Council Member Scott asked about the Administration presenting the Budget in a format that would more clearly show the cost of providing services, and Mayor Dyster and City Controller Sandra Peploe responded on the Budget process.

Police Superintendent Bryan DalPorto reported on an incident earlier in the day where a suspicious backpack was left in the downtown area, and the cooperation of various government agencies in addressing the situation and bringing it to a safe conclusion.

Chairman Touma said that he had spoken to Paul Drof and Water Board Members, and a report on the Audit of the Board by the Comptroller would be responded to at a meeting 5 PM on Thursday, September 22.

Chairman Touma spoke on the contract with the Police Club (Agenda Items #8, 9 and 10), and noted the rising cost of healthcare benefits. He asked if the City had shopped around for a more cost effective Plan. Mayor Dyster responded that the City had a Healthcare Committee, and Deputy Corporation Counsel Chris Mazur added that the City participates in the Niagara County Healthcare Consortium. Council Member Walker added that this contract would give job security going forward for the Police Department.

Corporation Counsel Craig Johnson distributed copies of 2 Items to be added to the Agenda:

1. A communication relative to a Letter of Award for Water Service Replacement on Independence Avenue.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #18.

2. A communication relative to approval of a Parking Agreement with Rupal Corp.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #19.

Mayor Dyster informed the Council Members that the funding for additional site development at the Old Stone Chimney (Agenda Item #7) was not using additional dollars, but the reallocation of funding already in place from the New York Power Authority.

This Session ended at 6:20 PM

Chairman Touma reconvened the Meeting at 6:35 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Scott 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, #9, #10, #19 Thanked the Police Officers who were present for their service; suggested bringing back Auxiliary Police to direct traffic
Bob Pascoal	Fire Dept. Training Tower; issues about comments at the last meeting; transparency in government
Gerald Skrlin	Bed Tax issue
T. Greene	Grass cutting and cleanups in North End-Contractor not doing a good job; issues with property on 15th St.; not able to purchase properties around his house.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS REPORT FOR THE MONTH OF AUGUST 2016

Agenda Item #1
THIS ITEM HAS BEEN RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF AUGUST 2016

Agenda Item #2
THIS ITEM HAS BEEN RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

COMMUNITY DEVELOPMENT: HOME OWNERSHIP AUCTION SALE REVISIONS

Agenda Item #3

The Niagara Falls Community Development Department hosted Home Ownership Auctions in 2013, 2015 and 2016, with the following guidelines:

- Successful bidders must agree to own and live in the home as prime occupant for no less than five years and pay all applicable property taxes.
- Successful bidders must submit a renovation plan, designating work to be completed by the owner and/or contractors, as well as possess the financial ability to execute the renovation prior to completing the sale agreement with the City of Niagara Falls.
- If the above terms are not met after the purchase of the property, ownership will revert back to the City of Niagara Falls.
- Beginning with the 2015 Home Ownership, successful bidders were required to pay a bidder's fee and a bidder bond of $500. The bidder bond is to only be returned upon the completion of the renovation.

All Home Ownership Auction properties are required to receive sale recommendation for the Niagara Falls Planning Department and sale approval from the Niagara Falls City Council. As this process deals with long vacant properties, with long standing title/lien issues, and major renovation needs, unforeseen search issues and discrepancies occur. Despite these unforeseen issues, the process has led to successful renovations and sale closings on vacant properties.

The Niagara Falls requests Niagara Falls City Council approval of the following revisions, for the stated reasons, in the pursuit of successful renovation and occupancy of these properties.

932 Depot Avenue
2016 Home Ownership Auction
The successful bidder decided that he no longer wanted to pursue the property, thus forfeiting the $500 bidder bond. The successful bid price was $1,000. The Niagara Falls Community Development Department proposes sale to the second highest bidder (Saladin Allah), per program guidelines for $700 (Mr. Allah's final bid).

2890 McKoon Avenue
2016 Home Ownership Auction
The successful bidder (Richard Anderson) no longer wants to pursue the property, thus forfeiting the $500 bidder bond. The successful bid price was $9,500. Mr. Angel Melendez, the successful bidder on a separate 2016 Home Ownership Auction house (2878 Mckoon Avenue) has expressed an interest in pursuing 2890 McKoon Avenue versus 2878 Mckoon Avenue, and has yet to close on that property. The Niagara Falls Community Development Department proposes sale of 2890 Mckoon Avenue for the high bid amount. In addition, Habitat for Humanity has expressed interest in the purchase on 2878 Mckoon Avenue.

2723 Lasalle Avenue
2015 Home Ownership Auction
Approved Bidder: Renee Mathews
The Niagara Falls City Council approved sale of 2723 Lasalle Avenue to Ms. Mathews in January 2016 for $18,000. Despite being foreclosed upon by the City of Niagara Falls, the property has past mortgage liens that make bank financing complicated. To ensure that the approved renovation continues, the Niagara Falls Community Development Department proposes revising the sale price to $10,000 if Ms. Mathews is willing to close on the property prior to September 30, 2016.

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

Yeas	5
Nays	0

APPROVED

COMMUNITY DEVELOPMENT: HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

Agenda Item #4

Pursuant to United Stated Department of Housing and Urban Development (HUD) guidelines, the City of Niagara Falls Community Development Department has prepared a Housing Choice Voucher Administrative Plan. The purpose of the administrative plan is to establish policies for carrying out the program in a manner consistent with HUD requirements and local goals and objectives.

The draft plan has been available for public review, as required by CFR 24 Part 903, since June 13, 2016. Paper copies of the draft plan were made available at both the Carnegie Building (Niagara Falls Community Development Offices) and the Niagara Falls Public Library – Main Branch. An electronic version of the draft plan was made available at www.nf-cd.org. A public hearing was held to receive comments on August 18, 2016. The public hearing, and the opportunity to review the draft plan, was advertised in the Niagara Gazette, as the publication of record and www.nf-cd.org. A copy of the draft plan was submitted to the Niagara Falls City Council office.

Upon Niagara Falls City Council approval, the HCV Administrative Plan will become a fully adopted policy document. No further HUD approvals are required, as this is a local governance document. Does the Council vote to approve the City of Niagara Falls HCV Administrative Plan?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: YOUTH DEVELOPMENT PROGRAM 2016

Agenda Item #5

It is recommended that the City undertake and carry out the Niagara Falls Youth Board Recreation Program on behalf of the Niagara County Department of Social Services and the Niagara County Youth Bureau (the "County"). The City will be undertaking certain recreational activities for City youth on behalf of the County. In consideration for the City undertaking and carrying out these recreational programs, the County will pay the City an amount not to exceed $24,850.00. The term of this agreement will be from January 1, 2016 through December 31, 2016. Attached (on file in the City Clerk's Office) is a copy of the proposed agreement.

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: LASALLE FACILITY, USE BY CAYUGA GAMBLERS TRAVEL SOFTBALL LEAGUE

Agenda Item #6

The City has once again been requested by the Cayuga Gamblers Travel Softball League to use the LaSalle facility for its fall, winter and spring season 2016-17. Utilization would be for full days on Saturdays and Sundays as the League has done during the past ten years. Attached (on file in the City Clerk's Office) is a copy of correspondence containing this request.

Will the City allow the League to utilize the LaSalle facility as requested in exchange for a fee of $100.00 to apply to administrative expenses?

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

Yeas	5
Nays	0
	APPROVED

OLD STONE CHIMNEY: RELOCATION, GREENWAY FUNDING

Agenda Item #7

In 2014, the Council approved an application to the Greenway Commission for consistency and to the Host Community Standing Committee for funding in the amount of $200,000 for construction costs related to site development and relocation of the Old Stone Chimney.

The New York Power Authority has funded the relocation of the Chimney and, therefore, it is requested that the Council authorize the City to ask the Host Community Standing Committee to reallocate the funding for additional site development, such as landscaping, lighting, signage, etc. and Park amenities including historical interpretations.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said this involves no new money, but is reallocating funding that was already in place.

POLICE DEPT.: MEMORANDUM OF AGREEMENT

Agenda Item #8

Attached (on file in the City Clerk’s Office) please find the proposed 2011 through 2014 Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Police Club Inc. Specifically, this Agreement pertains to the Police Dispatchers and Communications Technicians that are represented by the Niagara Falls Police Club, who are not allowed to participate in binding interest arbitration. This proposed Agreement is a four year extension of the parties’ collective bargaining agreement as it relates to the aforementioned individuals.

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

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

Yeas 5
Nays 0

APPROVED

POLICE DEPT.: MEMORANDUM OF AGREEMENT

Agenda Item #9

Attached (on file in the City Clerk’s Office) please find the proposed 2015 through 2018 Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Police Club Inc. This proposed Agreement is a four year extension of the parties’ collective bargaining agreement.

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

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said he was hoping for a 5 year contract, the numbers in this contract are good, all parties need to work together to cut expenses starting with Health Care costs.

POLICE DEPT.: MEMORANDUM OF UNDERSTANDING

Agenda Item #10

As you know, between November 2010 and November 2015, the City of Niagara Falls was a party to a Stipulated Order of Consent with the New York State Office of the Attorney General which required the City to undertake the review and reform of its Police Department policies and procedures.

Overall, this process has been a success in that the Police Department has significantly strengthened its policies in the areas of diversity, community policing and use of force and have made a positive impact both in the department and with the general public. These benefits were noted by the office of the Attorney General at the conclusion of the Consent Order.

Unfortunately, in order to implement the departmental changes within the time period required by the Office of the Attorney General, there was no opportunity to negotiate those changes with the City's two Police Unions as required by the Taylor Law. Conflicts arose with the unions in areas where the new departmental practices conflicted with terms contained in their Collective Bargaining Agreements with the City. As a result, the New York State Public Employment Relations Board recently ruled that the City committed an improper practice in a proceeding brought by the Niagara Falls Police Club. PERB directed the City to rescind a number of the policy changes made pursuant to the Consent Order; however, doing so would put the City back into the same position that it was in prior to the Consent Order in 2010.

In early 2016, the City began meeting with both the Police Captains and Lieutenants Association and the Police Club to discuss the impact of the PERB decision on the new departmental policies. As you know, the City reached an agreement with the Police Captains and Lieutenants Association in May of this year. With encouragement from the Office of the Attorney General, I am pleased to announce that our discussions with the Police Club have also been fruitful and that the City will now be able to continue to utilize the positive policy changes brought about through the Consent Order.

The Agreement that has been attached (on file in the City Clerk's Office) for your consideration is a product of the desire of both the City and the Police Club to continue the advancement of the Police Department has made in the last five years while maintaining a continued commitment to collective bargaining. The attached Memorandum of Understanding will accomplish the following:

1. To adequately compensate each member of the Police Club for their role in implementing the Consent Order;
2. To resolve a longstanding dispute regarding the interpretation of the City's employee residency requirement;
3. To reaffirm the commitment of both parties to the spirit of collective bargaining by allowing the parties to mutually develop departmental policies as required by PERB, and;
4. Allow the City to keep in place the departmental reforms brought about over the last five years without interruption.

While the proposed Agreement will result in some financial impact, it does allow for a deferral of payments to allow the City financial flexibility over the next two years. However, this financial impact is more than offset by the City's commitment to protect the constitutional rights of our citizens and the promotion of safe and efficient police practices.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

Councilman Walker said he has an issue with the residency clause. Chairman Touma said issues came about due to the Attorney General's Consent Decree.

CONTRACT: FIREHOUSE #4, 740 TENTH STREET, BOILER REPLACEMENT, H.W. BRYK & SONS

Agenda Item #11

The following was the result of bids received on September 7, 2016, for the above referenced project:

CONTRACTOR	BASE BID	ALT. 1
H.W. Bryk & Sons, Inc. 4300 Hyde Park Blvd. Niagara Falls NY 14304	$25,940.00	$7,043.00
Greater Niagara Mechanical Inc.	$26,300.00	$9,700.00
DV Brown & Associates	$29,000.00	$7,300.00

It is the recommendation of the undersigned that this project be awarded to the low bidder H.W. Bryk & Sons, at their Base Bid and Alternate #1, for a total bid price of $32,983.00.

Funding is available through code H1311.2013.1311.0449.599.

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

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

Yeas 4
Grandinetti, Scott, Walker, Chairman Touma
Nays 0
Abstain 1
Tompkins

APPROVED

CONTRACT: PORTAGE ROAD RECONSTRUCTION PROJECT. ENVIRONMENTAL CONSULTANT SERVICES CONTRACT, GREAT LAKES ENVIRONMENTAL & SAFETY CONSULTANTS

Agenda Item #12

In conjunction with the award of the above-referenced project, specific environmental concerns regarding radioactive material handling and disposal have developed. These concerns mimic the concerns that existed at both the Lewiston Road and Buffalo Avenue Reconstruction projects. Each time, for each project, the firm of Great Lakes Environmental & Safety Consultants, LLC has provided the on-site inspection and soil analytical processes needed to comply with any/all legal requirements.

It is the intent of the undersigned to again award the environmental consultant services contract to Great Lakes Environmental & Safety Consultants, LLC, for an initial amount of $185,000.00. Funding is available via the City's annual NYSDOT CHIPs allotment.

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

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

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

TOBACCO/NICOTINE, PAWNBROKERS, ORDINANCE AMENDMENTS

Agenda Item #13

Please be advised that Mayor Paul A. Dyster, on September 8, 2016, duly approved the following:

1. Resolution 2016-90, relative to Amending Chapter 710 of the Codified Ordinances entitled "Use of Tobacco, Nicotine or other like substances upon real property owned or leased by the City of Niagara Falls"

2. Resolution 2016-94, relative to Amending Chapter 337 of the Codified Ordinances entitled "Collateral Loan Brokers A/K/A Pawnbrokers"

THIS ITEM HAS BEEN RECEIVED AND FILED

SECOND HAND DEALER LICENSE, APPROVAL

Agenda Item #14

Chapter 338 of the Codified Ordinances states: "338.03…City Council may grant a license to carry on the business of secondhand dealer within the City…"

The following has submitted an application for a secondhand dealer license. This application has been approved by the Niagara Falls Police Department.

Kash Pro Unlimited
1818 Pine Ave
Niagara Falls, NY 14301

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 COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

DECEMBER 2015 IN-REM AUCTION: 1648 AND 1654 ONTARIO AVE.

Agenda Item #15

You had previously approved the sale of above referenced properties to the high bidder from the December auction.

The time to finalize the transaction has expired and the high bidder's deposit has been forfeited. It is requested that the Council authorize the transfer of these properties to the back bidder, Nelson Fasciano, Jr. for a total price of $13,500 for the two properties.

Will the Council so approve and authorize the Mayor to execute deeds 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

CLAIM: STACHOWSKI, JEN

Agenda Item #16

Date Claim Filed:	August 12, 2015
Date Action Commenced:	N/A
Date of Occurrence:	August 12, 2015
Location:	Intersection of 56th Street and Niagara Falls Boulevard
Nature of Claim:	Automobile damage during weed removal.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$351.00
Make Check Payable to:	Jen Stachowski
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENT, 2016-101
BY: COUNCIL MEMBERS GRANDINETTI, SCOTT, WALKER, CHAIRMAN TOUMA

Agenda Item #17

WHEREAS, Ms. Camille Sarkees recently resigned from the Zoning Board of Appeals with an unexpired term running until December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Zoning Board of Appeals, effective immediately to fill the unexpired term of Ms. Camille Sarkees.

APPOINTMENT:	TERM EXPIRES:
Kristyn Wojton 953 Rankine Road Niagara Falls, NY 14305	12/31/2018

Yeas 5
Nays 0
ADOPTED

CONTRACT: WATER SERVICE REPLACEMENT PROJECT, INDEPENDENCE AVE., YARUSSI CONSTRUCTION

Agenda Item #18

The following was the result of bids received on September 14, 2016 for the above referenced project:

CONTRACTOR	BASE BID
Yarussi Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$ 76,200.00
Mark Cerrone, Inc.	$ 83,777.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Yarussi Construction, Inc. at their total bid of $76,200.00. Funding is available from previously earmarked casino funds.

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: PARKING AGREEMENT, RUPAL CORPORATION

Agenda Item #19

It is requested that the City Council approve a Parking Agreement with the Developer for the premises commonly known as 200 Rainbow Boulevard, Niagara Falls, New York (the “Premises”). The Developer is proposing to do extensive renovations to the hotel structure presently in place on the Premises and expand it greatly, which will result in the elimination of parking spaces on the Premises which currently exist. The Developer is interested in obtaining permits to park in the City/Niagara Falls Urban Renewal Agency (“NFURA”) lot at 238 Third Street and 225 Second Street.

The City is advised that because of hotel franchise requirements, the Developer is desirous of obtaining 125 parking permits during the "in season" months and 60 parking permits in the "off season" months. These permits will be utilized by the Developer's permitted users.

The City will perform any required maintenance and repairs to the lot as is typical in these agreements. The Developer will also maintain appropriate insurance.

The initial term of the Agreement will commence upon the issuance to the Developer of a Certificate of Occupancy by the City for the renovated structure. The initial term will be for a period of 20 years with four additional five year options to extend.

The Developer will pay $40 per month per permit to the City during the initial term of the Agreement with five percent increases every five years; every ten years, the City may increase the per permit amount to the rate in place at that time.

The City may terminate the Agreement for violations of material provisions contained in the Agreement.

The effectiveness of this Agreement is contingent upon City Council approval of a ground lease entered into by and between the NFURA and the City pursuant to the General Municipal Law. This ground lease will be presented at the next City Council meeting.

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

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

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:10 P.M.

Carol A. Antonucci
City Clerk

SEPTEMBER 30, 2016

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

September 20, 2016

Members of the City Council
And
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9b of the City Charter, to be held on Friday, September 30, 2016 at 4:30 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose(s):

1. Presentation of Mayor Dyster's Proposed 2017 Budget

Respectfully submitted,

_____
ANDREW TOUMA
Council Chair

The September 30, 2016 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Andrew Touma at 4:35 PM in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, Charles Walker.

Also Present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig B. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Sandra Peploe.

Chairman Touma thanked Mayor Dyster for presenting his Proposed 2017 Budget on time, and said the Council is looking forward to working on the Budget with the administration.

Mayor Paul A. Dyster presented his Proposed 2017 Executive Budget. During his Presentation, he made the following comments:

Welcome, City councilmembers, city workers and fellow citizens, to the presentation of the 2017 proposed Mayoral Budget. Thank you for being here.

The 2017 Niagara Falls Municipal Budget is our city's game plan for the coming year. Like any game plan in any sport, it is the result of teamwork, as the City departments, City Controller and City Administrator all had input into the finished product. We have tried to be both open and responsive in the preparation of this budget, and hope that both City Council members and informed and concerned citizens who have given input to the administration on budget-related issues will see some reflection of their ideas and suggestions in this document.

I will address each in greater detail shortly, but what are the highlights of the 2017 budget?

- There are no layoffs
- We have decreased reliance on casino funds from last year's budget
- We have stayed within the tax cap
- We have increased investment in our neighborhoods, and
- We have done so while maintaining a healthy fund balance

Once again this year, as in every year of my administration, we have held homeowner taxes down below the rate of inflation, so that more disposable income will stay in the pockets of taxpayers in 2017 than when I took office in 2008. It gets harder every year to find things to cut to make this happen, but we promised we would keep trying, and we've succeeded again this year.

This chart, which we intend to update and use in each succeeding year's budget presentation, shows the trend since I took office. The vertical axis represents the total tax levy—the total dollar amount of property taxes collected by the city in the tax year—and the horizontal axis at the bottom represents the years from 2008 to 2017.

The gray line--the one on top--shows the levy amount that the city would have collected if each year from 2008 on we had stayed just within the state tax cap, given the rate of inflation.

The red line—the one in the middle--shows what the levy would have been over the past eight years if, each year since 2008, the levy had been adjusted up just enough to stay even with the rate of inflation.

Now, check out the green line—the one at the bottom. That is our actual property tax levy over the past eight years, with the proposed figure included for 2017. What does this graph tell us? Quite a lot, actually! It tells the story, in simple but graphic terms, of this

administration's efforts year-after-year to keep property taxes down even as—as we all know—the price of everything goes up a little every year.

We all know Gov. Andrew Cuomo has said New York State has no future as the "tax capital" of the nation. With support from the State Legislature, he created a Tax Cap that limits the amount a municipality can raise taxes in any given year. Many municipalities across New York have complained that it is very difficult to live under the tax cap. You know what? They're right. But we've done it here in Niagara Falls.

The space between the top, middle and bottom lines on the graph tells the tale. Even though two years ago, in the 2015 budget, Council accidentally exceeded the tax cap, our performance over the long haul has been very strong. That top gray line? That's how much we would have been allowed to raise under the tax cap that everyone complained was too tough. If we had taken what we were allowed under the cap every year, we'd now have a levy of somewhere between $32 and $33 million. That middle red line shows what the levy would have been if we started in 2008 and just raised property tax revenues to keep pace with the annual inflation in the cost of doing business: cost of living and contractual pay increases for city employees, rising health care costs, supply cost increases, etc. By that scenario, we'd be at around $31 million today. Many municipalities would be very happy with that. But we wanted to do more.

So, while the cost of everything went up, we kept holding the line. If your city does not raise property taxes to keep up with inflation, you have to make do with less "real" spending power—less real ability to pay for stuff--each year. So we have found ways to do more with less, so that our residents would not have to. This has been difficult for City employees, and as I go around the City I hear tales of some past Golden Age when offices had twice as many staff as they do now, all the equipment was new, and no one had to think twice about ordering paper clips or dry wall screws. I'm not sure if those good old days are real or the stuff of legend, but I know this: we're getting the job done delivering essential City services and the proposed tax levy for 2017 is about $29.6 million—not the $32.5 million or so the tax cap would have allowed, and not even the $31 million our levy would be at if we had simply kept up with the rate of inflation.

We believe we are supplying a very high level of services for the level of property tax funding we receive. Are City services perfect? Of course not. We know that. But we are trying to balance the demand for more services that the administration hears every day with the demand the Council hears every day—or at least every budget season—to keep taxes down. Ladies and gentlemen, there's a concept called "level of service." Basically, it means that, within reasonable limits, we can give you as much or as little government as you want. But we can't give you champagne if all you want to pay for is beer. We strive to achieve efficiencies in all aspects of operations in order to strike the optimum balance, giving our taxpayers a "right-sized" government, and the most "bang for the buck" with their tax dollars.

The foot soldiers in this battle are our City employees, and I am happy to report that we are presenting a balanced budget with no layoffs of City employees. This is important to them because their livelihood is at stake, but it is important to taxpayers because keeping our workforce at full strength is the key to delivering the services our citizens demand and deserve. This does not mean that we are not concerned about our personnel costs—they are just under 80% of our operating budget, and you cannot control costs without keeping a close eye on personnel costs of all kinds.

Throughout the last several years, we have followed a policy of carefully scrutinizing any position that becomes vacant as a result of retirement or other cause to see if we can continue to function effectively without that position. This offers us the hope of reducing our future personnel costs without having to lay off current employees. Two years ago, we offered a retirement incentive to encourage high-paid high-seniority workers to retire a little earlier, in order to help us save the jobs of less senior people who needed many more years of employment to earn a pension, but who are less expensive for the City to employ. It was hard to see so much expertise go out the door, but we are getting by, and will see savings from the initiative for years into the future.

We have sought to negotiate fair but moderate labor agreements with our City unions that will help give the City's tax base a chance to catch up to wages. We are particularly proud of our recently-concluded agreement with the Police Club, that gives us 0% pay increases for 2015 and 2016, and 2% increases for 2017 and 2018. We welcome the moderation, restraint and cooperation showed by the union, which demonstrated their understanding of and sympathy for the City's budgetary challenges by agreeing to average increases below the rate of inflation. We know, as Council reminds us, that we still have the issue of rising health care costs to address, but we believe our success in concluding this agreement with Police Club may help open the door to future progress in that area.

In the early years of my administration, through careful management, we built a considerable fund balance. When more difficult budget years occurred, we used fund balance to address higher than anticipated expenses, especially for one-time costs. This is a rationale and sound policy, since it would be a disservice to the taxpayer to take tax revenues away from you only to put your money into a City bank account as an undesignated reserve. But it is also our duty, as per City policy, to make sure that the City carries a "reasonable amount" of what accountants call "undesignated fund balance"—what laymen might call "rainy day fund"—to see us through unforeseen disasters.

I am pleased to say that the proposed 2017 budget maintains a healthy fund balance, above the 5% mandated by the City's Fund Balance Policy. Many cities, even in regions that do not traditionally suffer extreme natural events such as hurricanes, tornados and earthquakes, are seeing more severe weather events as a result of changes in our climate. We therefore believe it would be prudent going forward, as consistent with our other

fiscal objectives, to look at modestly increasing that percentage over time. Ask the people on 72nd Street. We as a city government are often the first---if not the only--unit of government that is willing to step up to the plate and help our citizens through these crises.

This histogram tracks the actual Property Tax Levy over time... You'll note that revenues were flat during the early years of the administration, increased somewhat in 2011 before stagnating again for four years, increased in 2015 before actually falling back approximately $300,000 in 2016. 2017 shows an increase, but the total remains within the limits of the Tax Cap. The total tax levy for 2017 would be $29,656,386.

With the base proportions adjusted 10% from non-homestead to homestead, the 2017 budget proposes a **decrease** in homestead taxes of about .5%, or $ 8.2 cents per thousand dollars of assessed value. It proposes an increase in non-homestead taxes of about 5.8%, or less than $1.90 per thousand dollars of assessed value. Note that, as explained at a recent City Council presentation, while all properties taken together are assessed at about 85% of market value, homestead (i.e., residential) properties as a whole are assessed at roughly 91% of market value, and non-homestead (commercial) properties as a whole are assessed at only 59% of market value.

So while non-homestead properties may see a tax increase, the impact of that increase must be considered in the context of the fact that commercial properties in the City are assessed below market value, and the tax rate is charged against the assessed, not the market, value of the property. As discussed during the assessment presentation, this is one of the distorting effects, in our case, of the failure to periodically reassess—to raise the same amount of money from a property of equal market value, a much higher rate must be charged to a commercial property than to a residential one. One concern is that, just as residential properties may vary wildly in the ratio of assessed to market value, so too some commercial properties may be valued at or near 100%, while others are valued at even less than the already low 59% average. Some information suggests this system is rigged against smaller businesses and in favor of large commercial property owners.

The point that the City should study the possibility of a reassessment in the relatively near future was suggested by the Financial Advisory Panel, a citizens' group appointed by the City Council. There has been some attention paid to the issue by the media, including a very thorough guest view by the Council Chair explaining the factors that indicate when a reassessment should be considered. There have been presentations to the Council in public session by the City Assessor, a private-sector assessment firm and a State expert. There has also been a large number of mostly negative comments by at least some members of the public. In light of the latter, the administration has decided not to press the issue by budgeting funds in 2017 to start a reassessment. Rather, it is our intention to await the recommendations of the State Financial Restructuring Board. If the FRB recommends a reassessment to the City, it may also make funds available to pay the cost

of the reassessment in whole or in part. That could then help inform a decision whether to move forward, which we will make in full consultation with the members of the City Council, always looking to serve the best interests of all the taxpayers of the City.

I said at the beginning that we wanted to be responsive and show that we were listening to suggestions from City Council. One suggestion we heard from Council--and one that resonated with a long-standing policy goal of the Administration—was to enter into a multi-year plan to reduce the reliance on casino revenue in the City's annual budget. From the very beginning, my administration has advocated for the policy that, even though we receive casino revenues every year under the NYS-Seneca Compact, we should try to treat casino revenues as much as possible as non-recurring revenues, using them whenever possible for pay-as-you-go capital and other projects and avoiding budgeting them against recurring expenses for essential services.

Why? Because early-on we recognized two things: First, that our receipt of casino revenues was tied up in a complex series of issues involving the Senecas and the State to which we were not a direct party, which were historic in Nature, and which were likely to continue to evolve over a long period of time. Second, we recognized that over time the very success of the Seneca Niagara Casino would draw competitors and imitators, that slot machine revenues were subject to a variety of influencing factors, and that therefore casino revenues should be regarded differently than property tax revenues in the way they are used by the City. We were very successful with this strategy from the beginning of the administration through the 2014 budget. Then, in the 2015 budget and evidenced even more in the 2016 budget, our use of casino revenues increased significantly.

Why? Basically, I think, because costs were going up as a result of the annual rise in the cost of living, our property tax revenues (as we have seen earlier in the presentation) were not being increased to keep pace, and the use of casino revenues seemed preferable to Council than big tax increases or large-scale layoffs as a way to close the gap. This played itself out in the 2015 budget process, with a whole series of Council budget amendments seeking to transfer expenses from the general fund to casino revenues. Some of those amendments were nullified by the Corporation Counsel's office because they were inconsistent with Section 99-H of the Municipal Law. A number of those remaining were subject to Mayoral veto; some of those were sustained and some were not. That's history. That's how we got to where we are now, but you can't live in the past.

What's important now is that there is consensus, I believe, about the right path moving forward. Ironically, the effort to shift expenses from the general fund to casino revenues came just at the time when casino revenues had started to decline from their historic peaks in the years immediately preceding. Make no mistake. This administration will fight for the City's right to receive a share of casino revenues commensurate with the sacrifices it has made as host community to facilitate the inauguration and growth of gaming in New York State. Those sacrifices were permanent and large-scale. The benefits

to our community cannot, therefore, be transitory and vacillating. That, however, is a discussion for another day.

Our task in 2017, given these considerations, is to exercise prudence, and to begin a multi-year plan to reduce our budgetary reliance on casino revenues even as we argue for a larger share of them. Therefore, I am happy to report that this budget uses $1,548,379 less casino revenue than the 2016 budget to cover what would otherwise have been general fund expenses.

Precisely because we regarded them as a precious asset, we have made extremely productive use of casino revenues during this administration. We have been strategic. We have been transparent. And we have been responsible.

This slide shows how we have used the casino revenues we have received going back to the beginning of the Compact. (Not shown here is the roughly $53 million we had to pass through directly to stakeholders like the NTCC, NFTA, School District, Memorial Hospital, etc.) If you want to see the list of every single project the City has funded, go to the City website. We've been posting it there for years for the world to see. You will also see that every penny of casino revenues spent has been by resolution of the City Council; the dates of approval are listed. That's being transparent. That's being responsible.

How about being strategic? Let me discuss that.

We have used a portion to help compensate for the loss of tax revenues when City lands became sovereign Seneca lands to facilitate the Seneca casino. We have used casino revenues to avoid a massive tax increase to pay the debt on the public safety building, construction of which was an unfunded State mandate we've had to fund entirely on our own. The new Niagara Falls International Train project cost about the same as the public safety building—over $40 million—but we got most of it paid for through Federal and other grants, then used casino revenues pay-as-you-go to cover <u>our</u> share of about $4.5 million. So there is no debt on the station—zero. The same goes for our contributions to do environmental cleanup at Hope VI, to help fund construction of the Niagara Falls Culinary Institute, to purchase and rehabilitate the former Union Carbide plant at 3625 Highland for future use, and many more economic development projects. Paid for, free and clear on all of them.

We've used casino revenues to make capital purchases of equipment for police, fire and DPW so that you didn't have to pay for them with increased taxes. We don't have snow plows with holes in the floor of the cab anymore. No fireman has to ride to a winter fire on the outside of the truck. We've used casino revenues to replace roofs and furnaces so that firemen dont have water dripping on their heads in fire halls and seniors don't have to sit in the cold playing bingo. Those were dollars well spent.

So, too, were the dollars we have used to fund road repair projects in what used to be called "the pothole capital of the world." We're not perfect, but no one calls us that anymore. We've used casino dollars first to buy paving equipment for our in-house paving operation, then to fund projects by both our own DPW and outside contractors. Casino revenues allow us to put forth an in-house road reconstruction effort each year roughly twice what we could do if we relied on CHIPS money alone.

We've demolished derelict houses and cut down dangerous trees using casino revenues, but we'd rather be builders, and have done our fair share and more of parks, recreation facilities and other improvements to our residents' quality of life.

Because we have followed a wise and consistent strategy, even if we never received another nickel of casino revenues from this day forward, the positive impact of the casino revenues we did receive will be felt for decades to come into future generations. That's a legacy to be proud of, and all of us—Administration, Council and citizens—can share the credit. We're not perfect, but we've made a lot of really good decisions about how to use casino revenues. But if we're going to continue this legacy of accomplishment into the future, we're going to have use courage and discipline to prevent precious future casino revenues from being frittered away plugging gaps in the general fund.

Whatever else you may think about the casino and its long term impact on everything from our economic prosperity to our morality, one thing is clear: having access to casino revenues has allowed our community to accomplish things of lasting value that we could not have otherwise have achieved given the modest resources available to us.

To protect our ability to continue to deliver these benefits in the future, we need to embark on a multi-year program to gradually reduce use of casino revenues in the general fund. But we also have to make sure we are doing what we need to do to eliminate the gaps that tempted us to use casino revenues in the general fund to start with. The State-imposed Tax Cap isn't a tax freeze. The Governor and legislators alike recognized that municipalities have to deal with the same cost increases as everyone else. What the Tax Cap does is give citizens a way to judge if their elected officials are really making an honest effort to control expenses. If they stay at or under the cap, they should get good grades—even if they are making marginal adjustments in the tax levy to keep up with inflation. When we had casino revenues that were growing every year, maybe we could afford not to take what was available to us within the cap. But that is not the case now. In order to reduce our reliance on casino revenues, we have to make sure we're managing our property tax situation responsibly.

Finally, I want to give you an example of something we are doing that shows how we are thinking creatively about ways to deliver the best possible services at the lowest possible cost, and being transparent and responsive at the same time. In the 2017 budget, we are announcing the merger of what are now five separate programs, all dealing with clean

neighborhoods and quality of life of residents, into one consolidated program we're calling "Community Beautification and SWEET." We're not abandoning our goal of "clean neighborhoods"—far from it—but started to think that title somehow implied that our residents were "dirty" and needed government to clean up their messes for them. We know the vast majority of our people are responsible citizens who don't throw their garbage in the streets, and many participate regularly in citizen-led volunteer efforts to make their neighborhoods better. We think "Neighborhood Beautification" sums up much better who we are and what we are about, and we left in "SWEET" because, well "sweet" is certainly better than "sour," and we are very proud of our remarkable turnaround in the recycling field and our success in keeping household waste in covered containers and out of the mouths of nasty rodents. That's another success story we can share together.

The highlights of the new "Neighborhood Beautification and SWEET Program":

- There is $300,000 of new funding for the popular ZOOM project, which now falls within this program, in the 2017 budget.
- We are adding a second Clean Neighborhoods Inspector, independent of our other efforts to add yet another inspector for vacant and abandoned properties through grant funding
- We are forming a DPW team dedicated to Clean Neighborhoods and the Totes program, in order to make most efficient year-round use of our precious manpower resources
- We are taking off the kid gloves and launching a crackdown on illegal dumpers. The scumbags that shove loads of garbage and debris off the back of their trucks on to the streets of other people's neighborhoods are just as damaging to the neighborhood as people who open crack houses or rob the corner store. In the weeks to come, we will be unveiling a tough new program that makes sure they get treated like the criminals they are. More on that later.
- Finally, we will be going out to the public to solicit input on changes to the bulk collection system. The current system allows a single bulk item to be put to the curb with the first collection of every month, and for seasonal spring and fall collections of additional items. We have heard suggestions for other ways to do the job, varying how many items can be set out and how frequently they are to be collected. In the near future, we will be using a combination of online and tradition outreach methods to allow you, the citizen, to make the call. This budget contains sufficient funds to implement any of the available options—the decision will be up to you.

The highlights of this 2017 budget?

No layoffs. Increased and improved neighborhood services. No funds for a reassessment in 2017, so you can put away your lawn signs. Not an increase, but a slight decrease in taxes for our residents. A reduction in the amount of casino revenue used. Maintenance of a healthy fund balance. A second consecutive on-time, balanced budget (and I want to

point out that we were only late two years ago because we implemented a retirement incentive that ended up avoiding about two dozen layoffs). And perhaps most significant of all, an eighth consecutive budget with a tax rate lower than or at the rate of inflation.
I want to thank all of my department heads and their staffs, the City Controller and her staff, the City Administrator and everyone else who helped shape the Mayor's proposed 2017 City of Niagara Falls budget. We look forward to working cooperatively with the City Council to finalize the 2017 budget; we hope what you have seen today shows we are trying to work as a team.

Everywhere you look in Niagara Falls, from Niagara Falls Boulevard in LaSalle, to the Center City residential area, to industrial areas off Highland Avenue, to the tourist district downtown, you see projects under construction—too many to even list, let alone describe, in this speech. You can see with your eyes the tangible evidence that this City is on the move, and its future is bright. We're proud of what we have accomplished already, but much work lies ahead.

We have set in motion the plans and projects necessary to lift our City out of decades of decline and stagnation. Confident of a brighter future, we must steel ourselves to do what needs to be done today, in this budget, to make sure we have the resources to run the City effectively and continue making strategic investments that will make the lives of our children, and our children's children, better.

God bless you, and keep working for and believing in a better tomorrow.

City Controller, Sandra Peploe, distributed the Mayor's Proposed 2017 Budget to the Council Members.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 5:05 PM.

Carol A. Antonucci
City Clerk

OCTOBER 3, 2016

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the October 3, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:04 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Sandra Peploe.

Council Member Walker moved to approve the Minutes from the Council Meeting of September 19, 2016.

Yeas	5
Nays	0
	APPROVED

Lynne Nevue, representing the Resident Engagement Council, spoke on the area residents' proposal to revitalize the Park at 91st Street.

Council Member Scott gave a Presentation on his attendance at the 46th Annual Legislative Conference of the Congressional Black Caucus Foundation that was held in Washington, DC. He spoke on the Workshops that he attended and the initiatives that he is working on.

In the Administrative Update, Mayor Paul Dyster reported that the paving season is coming to an end. There is some funding left in the Budget Line for paving, so the Project will continue as the weather permits, and sidewalks will also be done. Also, the Portage Road, Buffalo Avenue Phase 2 and Lockport Street Projects are progressing. In response to Chairman Touma, the Buffalo Avenue Project is on schedule. Council Member Walker asked about the status of paving at Legends Park, and Civil Engineer III Robert Buzzelli replied that the Project will be out to bid next week, and funding for the Project is an 80/20 split with the County.

City Administrator Nick Melson explained a Change Order in the Contract for the Hyde Park Playground Project to be added to the Agenda.

Chairman Touma asked about the status of D'Amelio Park, and the suggestion to move the Park to the area of the Hope VI Project. A lengthy discussion followed.

Chairman Touma asked if Amtrak was using the Train Station, and Mayor Dyster responded that the City is working with the Department of Transportation to finalize a contract, and, also, there is no signed lease with a tenant yet. Director of Business Development Anthony Vilardo added that he had taken a potential tenant through the facility on Friday. Chairman Touma suggested that maintenance duties at the Station be shared to save on costs.

Council Member Tompkins commented that he had not seen too much work being done in the Highland Avenue Fire Hall. Community Development Director Seth Piccirillo responded that the outside work (roof, etc.)was prioritized while the weather permitted, and the interior work would be done during the winter.

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

1. A communication relative to a Change Order in the Contract for the Hyde Park Playground Safe Surface Installation.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #13.

2. A Resolution relative to a Feasibility Study for the need for a convention center/arena in Niagara Falls.

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 #14.

Council Member Walker questioned the Reorganization of the Public Works Department (Agenda Item #3). City Administrator Melson said that this was included as part of the 2017 Budget, but funds were available to make the changes now. Human Resources Director Ruby Pulliam added that the Civil Service Commission had approved the reclassification.

Chairman Touma thanked Corporation Counsel Craig Johnson, Assistant Corporation Counsel Douglas Janese and Superintendent of Police Bryan DalPorto for their help in drafting the Food Truck Ordinance (Agenda Item #10).

This Session ended at 5:55 PM.

Chairman Touma reconvened the Meeting at 6:15 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Tompkins 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:

Gerald Skrlin	Agenda Item #14
Ken Hamilton	Agenda Items #8, #10, #14
Gerald Skrlin	Bed & Breakfast issue
Ken Hamilton	Moving D'Amelio Park; Council Member's trip
Tracy Greene	Water Board issues; property conditions in Neighborhood; all law enforcement members should wear body cameras; Niagara Falls is not respected
Jamie Caldwell	Bulk pickup issues
Roy McDowell	Mayor's attendance at Council Meetings; City Engineer hiring; issues with Water Board members; City Market area street sweeping; Convention Center; cleanup City; hold all to same standards

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

BILLING AND COLLECTION: REORGANIZATION

Agenda Item #1

We are requesting that a Principal Clerk (Grade 12) position be reclassified to a Senior Billing and Collections Clerk (Grade 11.) The Principal Clerk position will be vacant due to internal transfer. The reclassification will allow the promotion of a Billing and Collections Clerk into that position ensuring a smooth transfer of duties and little disruption in workflow.

Funding is already available in the Billing and Collection Biweekly Payroll line.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

THIRD STREET PARKING LOT: GROUND LEASE

Agenda Item #2

Niagara Falls Urban Renewal Agency owns real property commonly known as the Third Street parking lot. The parcel is between 256 Third Street and the Jefferson Apartments, between Third Street and Second Street. The parcel has been operated by the City as a public parking lot under implicit authority from NFURA. The southerly 100' x 130' portion of the parcel is under lease by the Agency to Jefferson Apartments for parking through 2026 at rent to the Agency of $300.00 per month.

On September 12, 2016, the NFURA board of directors approved a formal ground lease under which the City will lease from NFURA the portion of the parking lot not under lease for the Jefferson Apartments. The lease will be a formal grant of authority to allow the City to operate a public parking lot on the parcel.

The ground lease term will be 20 years, and rent will be $1,000.00 per year. There will be one renewal term of 20 years, and the rent for the renewal term will be $2,000.00 per year. The City will maintain the lot as a public parking lot and will collect and retain all parking fees (keeping in mind that the portion lease for Jefferson Apartments is not included and NFURA will keep that rent). The City will indemnify the Agency against any injuries occurring on the property.

The ground lease will not be assignable by the City, and the City will not be allowed to sublease the parcel. The City will be allowed to enter into parking agreements, which agreements must not create an interest in the real property. The City will be allowed to construct and operate a public parking ramp on the site during the lease term. The City will be allowed to hire an operator for the lot or ramp.

Any commercial development on the site will require NFURA approval. The site cannot be transferred to a private entity without complying with the statutory NFURA disposition procedure. Any lease of commercial space in a parking ramp will require compliance with the statutory NFURA disposition procedure.

Pursuant to §556 of the General Municipal Law, Agency real property "may be sold, leased for a term not exceeding ninety-nine years, exchanged with or otherwise disposed of, for the effectuation of any of the purposes of the urban renewal program in accordance with the urban renewal plan, to any municipal corporation…for a valuable consideration and upon such terms and conditions as shall be approved by the governing body of the municipality, without public auction or sealed bids or public notice."

This ground lease will formalize the informal arrangement currently existing at the site. The ground lease will allow the City to continue to operate the parking lot and to enter into parking agreements without having to comply with the NFURA disposition process. The lease will allow the City to build a ramp on the site if the City so determines that a ramp is appropriate to accommodate public parking needs. Leases and other arrangements which encumber the real property will require further NFURA approval and compliance with statutory NFURA disposition procedures.

Will the City Council vote:

1. To approve the ground lease by NFURA to the City pursuant to General Municipal Law §556 as described herein;
2. To approve the City entering into the ground lease as tenant upon the terms described herein. and
3. To authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS DEPT.: REORGANIZATION

Agenda Item #3

The Director of DPW recommends the reclassification of an Administrative Assistant position in the Department based upon the duties and responsibilities performed by the individual in that position. These duties and responsibilities were reviewed by the Civil Service Commission.

It is requested that the position in question, Administrative Assistant-Public Property Administration (Grade 17 – Salary $45,186.75) in the DPW be changed to Administrative Assistant-Parks and Public Works (Grade 19 – Salary $47,075.54). This is so that the title be consistent with the duties performed. The impact of this change for the remainder of calendar year 2016 is $508.32 ($472.20 in bi-weekly and $36.12 in FICA).

Funds available to cover the short-fall for calendar year 2016 are available in the Trades bi-weekly line in the DPW.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

PURCHASE: TREES, SCHICHTEL'S NURSERY

Agenda Item #4

The Director of the Department of Public Works ("DPW") has identified the need to purchase 200 trees to be planted in various locations throughout the City. These trees are in varying utility friendly species. Four (4) quotes were solicited and the Director wishes to purchase these trees from the lowest proposer, Schichtel's Nursery. The amount of money requested for this purpose is $19,930.00. Attached (on file in the City Clerk's Office) is the breakdown of tree species, quantities and cost of each.

The Director is also requesting that dollars be made available for overtime wages for City DPW employees to remove dead and hazardous ash trees throughout the City. The amount requested is $21,530.00 ($20,000.00 in bi-weekly and $1,530.00 in FICA).

The total amount requested by the Director of Public Works in order to purchase the trees and perform the task of removing the dead and hazardous ash trees is $41,460.00.

Funds are available from casino revenue and should be transferred to account code H1515.2015.1515.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

Chairman Touma spoke about funding for in-house removal of dead Ash trees.

CONTRACT: PEDESTRIAN WALKWAY

Agenda Item #5

Please recall that during the City Council meeting held on June 27, 2016, the City Council approved the request of Niagara Pedicab to occupy a portion of the pedestrian walkway located on Old Falls Street for the purpose of storing inventory in the nature of bicycles. Niagara Pedicab is in full compliance with the terms of the License Agreement and this arrangement has benefited its business.

Niagara Pedicab seeks a one (1) year extension of its License Agreement from October 1, 2016 through and including September 30, 2017. Niagara Pedicab has also requested the ability to make certain cosmetic improvements on the walkway glass facing Old Falls Street and a section of the glass entrance that faces First Street. Any such cosmetic improvements would be done at the sole expense of Niagara Pedicab. A copy of the existing License Agreement is attached hereto.

The amount to be paid by Niagara Pedicab is $100.00 per month.

Will the Council so approve and authorize the Mayor to execute an amendment to the License Agreement provided the same is in form and content satisfactory to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: TRAIN STATION, SCRUFARI CONSTRUCTION COMPANY, INC.

Agenda Item #6

A contract for the above referenced project was awarded to Scrufari Construction Company Inc., 4800 Hyde Park Blvd. 3925 Hyde Park Blvd., Niagara Falls, NY on April 14, 2014 in an amount of $22,691,000.00. Change Orders request to date bring the total contract amount to $24,546,429.83.

This Change Order is comprised of two separate portions. The first is associated with various construction changes and code requirements to the original 'scope of work' for unanticipated but necessary work.

These items are composed of Change Requests that have been reviewed and recommended by the City's consultant Wendel Engineers and the City's Engineering Department.

The second portion of this change order is to transfer unused Allowances earmarked for various tasks that came in under budget. A portion of these unused funds need to be shifted to the Rail Flagging Account in the amount of $50,000 for additional Railroad protection as required under our work agreement with Amtrak.

The net resulted of Change Order #7, will be a credit in the amount of $197,469.63 to be added to the City's contingency funding to reduce the overall contract amount.

Therefore, it is the recommendation of the undersigned that this ($0.00) Change Order #7 be approved.

Will the Council vote to so approve?

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

SECOND HAND DEALER LICENSE, APPROVAL

Agenda Item #7

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 Niagara Falls Police Department.

Niagara Metals, LLC
4861 Packard Rd
Niagara Falls, NY 14304

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 CORPORATION COUNSEL

CLAIM: WEBER, ROBERT L.

Agenda Item #8

Date Claim Filed:	N/A
Date Action Commenced:	April 24, 2013
Date(s) of Occurrence:	January 2011 through June 2012
Location:	N/A
Nature of Claim:	Damages sustained during arrest/prosecution
City Driver:	N/A
Status of Action:	Pre-trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$70,000.00
Make Check Payable to:	Robert L. Weber
Conditions:	General Release 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: CITY COUNCIL, MEETING SCHEDULE, 2016-102
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #9

BE IT RESOLVED, that the City Council of Niagara Falls, New York, does hereby schedule Budget Meetings to commence at 5:00 PM in the City Council Chambers on:
October 5, 13, 14 and 20, 2016 and;

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, New York, does hereby schedule Budget Amendment Meetings to commence at 5:00 PM in the City Council Chambers on:
November 7, 9 and 10

BE IT FURTHER RESOLVED, that a public hearing be held on November 1, 2016 at 6 PM Daylight Saving Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2017 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: MOBILE FOOD VENDING, ORDINANCE, 2016-103
BY: ALL COUNCIL MEMBERS

Agenda Item #10

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 343 of the Codified Ordinances entitled "Mobile Food Vending" is hereby adopted to read as follows:

CHAPTER 343

343.01 Definitions
343.02 Permit Required
343.03 Permit Application and Issuance Requirements
343.04 Fees and Durations of Permits
343.05 Hours of Operation Permitted
343.06 Prohibitions
343.07 Permitted Locations
343.08 Compatibility with Other Laws
343.09 Penalties and Enforcement

343.01 Definitions

The following words and phrases shall have the meanings set forth unless the context of their use clearly indicates otherwise:

APPLICANT
Any person by or for whom an application is made under this Chapter.

CITY
The City of Niagara Falls, New York

MOBILE FOOD VEHICLE

A self-contained mobile food unit in which ready-to-eat food is prepared, cooked, wrapped, packaged, processed or portioned for service, sale, or distribution.

MOBILE FOOD VENDOR

The owner or owner's agent of a mobile food vehicle.

PERSON

A natural person, corporation, partnership, association, joint venture, society or other organization or association of any kind, whether acting as principal, agent, employer or employee.

PROPERTY

Any goods, wares, merchandise or other article or thing of every kind or nature except newspapers.

VENDING

The selling or offering to sell food and/or beverages from a mobile food vehicle. This also shall include the selling or offering to sell goods and/or merchandise incidental to the offered food and/or beverages or bearing the name, slogan, logo or other identifying characteristics of the mobile food vehicle.

343.02 Permit Required

No person shall engage in mobile food vehicle vending without first obtaining a permit or registering or both as required by this Chapter, which permit shall at all times be displayed in a conspicuous location on one's person and on the outside of the vehicle.

343.03 Permit Application and Issuance Requirements

A. An application for a yearly permit or a renewal permit under this Chapter shall contain the following:

(1) The name, home address and local address, if any, of the applicant and any other individual who will be performing any on-site work as part of the mobile food vending operation for applicant (hereinafter "employee").

(2) A valid driver's license or non-driver identification card issued by the State of New York.

(3) The name and address of the person, if any, by whom the applicant is employed and for whom or through whom orders are to be solicited, cleared, filled or delivered.

(4) A description of the business or activity in which the applicant intends to engage and of the nature of any property or services involved.

(5) A list of crimes for which the applicant and all employees have been arrested or convicted, including the dates and places. Additionally, a local records criminal background check must be obtained from the Niagara Falls Police Department (at applicant's cost) and submitted herewith.

(6) A statement as to the period of time during which the applicant intends to engage in the business or activity regulated under this Chapter.

(7) Proof that the applicant, or his or her employer or principal, is registered for sales tax purposes, if the business or activity to be conducted is subject to sales or use tax. A copy of the applicable sales tax certificate is required. Additionally, proof of compliance with federal, state, county and local requirements, including any required permits from the Department of Health, shall be submitted.

(8) A description of any motor vehicle that will be used as a mobile food vehicle, include the name of manufacturer, year, type of vehicle, vehicle identification number, registration plate number, title holder and name of the person other than the title holder to whom the vehicle is registered, if any.

(9) The location(s) where a mobile food vending operation is to be conducted, if known.

(10) Any additional information deemed necessary by the City Clerk, the Niagara Falls Fire Department and/or Niagara Falls Police Department.

(11) 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.

(12) The application shall be accompanied by the payment of any and all fees required pursuant to this Chapter.

B. The application shall be signed by the applicant and sworn to before a notary public or other officer authorized to administer oaths.

C. If mobile food vending is to be conducted on private property, the written consent of the property owner, if other than the applicant, shall be filed with the application or shall be prominently displayed on the mobile food vending vehicle.

D. The City Clerk shall forward a copy of the application to the Niagara Falls Police Department. The Police Department shall, to the extent possible, determine whether or not the applicant and/or employees have accurately reported convictions and is otherwise a person of good moral character and reputation. The Police Department shall then report the results of their investigation, together with a recommendation whether to approve or disapprove the application, to the City Clerk.

E. After receipt of report from the Police Department, the City Clerk shall issue the permit requested unless the applicant and/or employee is a registered sex offender, or has been convicted of a felony at any time or a misdemeanor within five (5) years prior to the application, and has not been granted relief from civil disabilities, or otherwise is found not to be a person of good moral character and reputation.

F. Event Permit Applications shall be made in the same manner set forth for yearly annual permits herein and shall additionally state the event for which the application is sought, the location of the event, and the anticipated dates and hours of operation. The application requirements set forth in Section 343.03(A) are waived if the applicant provides proof of a valid annual mobile food vendor permit issued by a municipality located in either Niagara County, New York or Erie County, New York and pays the applicable fee set forth in Section 343.04(A).

343.04 Fees and Durations of Permits

A. The following fees shall be paid to the City Clerk with an application for a permit:

Type of Permit	Fee
Initial Applications (yearly, per vehicle	200.00*
Renewal Applications (yearly, per vehicle)	200.00*
Event Applications (per vehicle)	50.00*
Each Employee Permit (yearly) $ 35.00	
Each Employee Permit (event)	$ 15.00

* Includes the issuance of a Permit for the Applicant only

B. Yearly permits issued pursuant to this Chapter shall automatically expire one (1) year after the date of issuance. A yearly permit that is renewed prior to its' date of expiration or within thirty (30) days after its' date of expiration may be renewed by completion of a renewal application and payment of the renewal application permit fee. Event permits shall expire at the conclusion of the event for which they have been issued, and in any event no later than one week from the start of the event for which they have been issued. Permits issued under this Chapter shall not be transferable.

C. A permit issued pursuant to this Chapter may be revoked if, following its issuance, the Police Department determines that the applicant was convicted for any crime not reported in the application or is otherwise not a person of good moral character and reputation. A permit may also be revoked for any violation of this Chapter committed after its issuance.

343.05 Hours of Operation Permitted

Mobile food vehicle vending shall not be conducted before 9:00 a.m. or after 9:00 p.m. on a residential property or in a right-of-way adjacent to a residential property and shall not be conducted before 9:00 a.m. or after 3:00 a.m. on a non-residential property or in a right of way adjacent to a non-residential property.

343.06 Prohibitions

A. It shall be unlawful to conduct business from a mobile food vehicle within a public right-of-way or on private property within the City without having first obtained a valid mobile food vendor permit for each mobile food vehicle, and having said permit displayed prominently on each such vehicle.

B. It shall be unlawful for a mobile food vendor to conduct business in a location within the public right of way other than those set forth in Section 343.07 herein.

C. Within non-residential zoning districts, it shall be unlawful for a mobile food vendor to conduct business at a single location within a public right-of-way for a duration exceeding five (5) hours. Within residential zoning districts, it shall be unlawful for a mobile food vendor to conduct business within a public right-of-way except for mobile food vehicles that operate for less than twenty (20) minutes at a single location or that operate within an area where a block party is being conducted.

D. At all times, mobile food vendors and vehicles shall abide by the New York State Transportation Law and all applicable federal, state and local Parking, Vehicle and Traffic Laws, Ordinances, Rules and Regulations.

E. All signage associated with a mobile food vendor must be permanently affixed to the mobile food vehicle. No accessory signage shall be placed outside or around the mobile food vehicle. Applicant and all employees much wear and prominently display their permits at all times.

F. All mobile food vendors must provide trash receptacles of sufficient capacity to contain all trash and waste generated in association with the business of the mobile food vendor. All waste and trash shall be placed in the trash receptacles. All trash, waste, litter and debris shall be removed from the site of the vending operation at the end of each such operation. Failure to abide by this section shall be considered a violation of this Chapter.

G. It shall be unlawful to discharge liquid waste, fats, oils or grease on the land. Such discharges shall be held in appropriate containers and then disposed in a legally permissible manner.

H. Mobile food vendors shall not conduct operation from any site that contains a gasoline service.

I. Each mobile food vehicle shall be inspected annually by the appropriate City personnel for fire-safety code compliance and compliance with all state and local vehicle and traffic laws and ordinances.

J. All required permits shall be posted conspicuously on the mobile food vehicle.

K. Each mobile food vehicle shall be registered as a commercial vehicle with the New York State Department of Motor Vehicles, must be properly inspected and carry appropriate vehicle insurance as required by New York State law.

L. When parked on a public or private right-of-way, products shall not be dispensed from the street side of the mobile food vehicle.

M. A mobile food vehicle shall not be operated in reverse in order to attempt or make a sale.

N. When parked on a public or private right-of-way, a mobile food vehicle shall not be parked within thirty (30) feet of an intersection with another public or private right-of-way boundary.

O. No person shall use private real property for any activity requiring a permit under this Chapter without the written consent of the owner.

P. No person or mobile food vehicle regulated by this Chapter shall hawk or cry property, offers, contracts or services upon any location in the City, or use any loudspeaker, horn or other sound making device other than for the dissemination of music or words historically or customarily associated with the operation of that mobile food vehicle.

Q. Each and every mobile food vehicle shall carry at all times a "measuring wheel" with a measuring capacity of no less than 150 feet as a condition of licensure. Failure of any mobile food vehicle to carry such a measuring wheel or abide by any of the proximity distance restrictions included in this Chapter shall constitute a violation of this Chapter.

R. It shall be a violation of this Chapter for any mobile food vendor to operate within 500 feet of the boundary line of any fair, festival, special event or civil event that is licensed or sanctioned by the City of Niagara Falls, except where such vendor has obtained permission from the organizer of said special event.

S. Mobile food vendors invited to participate in a City-sponsored event shall not be required to obtain a permit pursuant to this section.

343.07 Permitted Locations

A. Subject to the prohibition contained in Section 343.07(D) herein, mobile food vendors may only conduct business on public property or within the public right of way at the following locations and only where there is adequate space to park a mobile food vehicle safely and legally:

Niagara Street
Main Street within 1 block of Third Street
Whirlpool within 1 block of Main Street
2nd Street between Ferry Avenue and Niagara Street
3rd Street between Wendel Way and Niagara Street
Old Main Street within 1 block of Rainbow Boulevard
The East Side of Hyde Park Boulevard between LaSalle Ave. and Independence Avenue.
Adjacent to any City owned park land provided such location shall not abut a residential parcel
Within the defined parking areas of any City owned park or parking lot, provided any applicable fee for parking is paid.
Within a residential area for less than twenty (20) minutes at a single location or within an area where a block party is being conducted.

B. In the event the Niagara Falls Police Department determines that the operation of a mobile food vendor interferes with the operation of a street, sidewalk, right of way, City owned park or parking lot, the mobile food vendor shall move the mobile food vehicle upon request.

C. Mobile food vendors may only conduct business on private property on or at any private commercial lot provided the mobile food vendor has first obtained the written permission of the owner and there is adequate space to park the mobile food vehicle safely and legally.

D. It shall be unlawful for a mobile food vehicle vendor to park, stand, or operate in a location which is adjacent to or within a one hundred and fifty (150) foot radius of the primary entrance of any building or section of a building comprising a licensed food establishment, excluding any patio, awning or temporary enclosure attached thereto, the kitchen of which is open for serving food to patrons. This requirement may be waived if the mobile food vendor has obtained the written consent of the proprietor of the adjacent licensed food establishment(s).

343.08 Compatibility with Other Laws

This Chapter is intended to replace and supersede the requirements of Chapter 341 of the Codified Ordinances with respect to the regulation and permitting of mobile food vending only. To the extent that any provision of this Chapter is in conflict with a provision of Chapter 341 with respect to mobile food vending, this Chapter shall control.

343.09 Penalties and Enforcement

A. Any person who violates any provision of this Chapter shall be guilty of a violation. Each violation shall be punishable by a fine not to exceed $250 or by imprisonment for a period not to exceed fifteen (15) days, or both.

B. The Superintendent of Police, or his designee, may suspend, rescind, confiscate and/or revoke any permit issued under this Chapter for good cause or in the event of any emergency requiring the same.

C. This Chapter shall be enforced by the Police Department, the Fire Department and the Code Enforcement Department of the City of Niagara Falls, New York.

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

Yeas	5
Nays	0
	ADOPTED

Chairman Touma said this Ordinance was created to protect the Bricks & Mortar establishments and to have uniform regulations for Food Trucks.

RESOLUTION: LOCKPORT STREET PROJECT, FUNDING, 2016-104
BY: ALL COUNCIL MEMBERS

Agenda Item #11

WHEREAS, a Project, for the Reconstruction of Lockport Street, from Main Street to Seneca Avenue, in the City of Niagara Falls, Niagara County, PIN 5757.09 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of 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), Construction and Construction Inspection phases of the project PIN 5757.09.

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), Construction and Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of $104,000 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI), Construction and Construction Inspection phases exceeds the amount appropriated above, 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 be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli 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 and State-Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

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

RESOLVED, this Resolution shall take effect immediately.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: NIAGARA CHARTER SCHOOL, CENTENNIAL PAVILION, WAIVER OF RENTAL FEES 2016-105
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, Niagara Charter School has celebrated Bully Prevention Month for the past five years; and

WHEREAS, Niagara Charter School hosted a "STOP BULLYING WALK" Event on Saturday, September 24, 2016 starting at Robbins Road, ending at Hyde Park Centennial Pavilion.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby retroactively waive fees of $105.00 for Niagara Charter School "STOP BULLYING WALK" event in celebration of Bully Prevention Month – October.

Yeas 5
Nays 0

ADOPTED

CONTRACT: HYDE PARK PLAYGROUND, SAFE SURFACE INSTALLATION, SCOTT LAWN YARD

Agenda Item #13

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

Subsequent to the start of the project, the New York State Office of General Services stopped honoring its price offering of poured in place safety surfacing, despite orders placed prior to its decision. Therefore, to allow the City to obtain the materials necessary to complete the current playground installation project, the now unspent surface money must be reallocated, along with any additional monies required to make up for the loss of the volume discount usually received via the NYS-OGS's statewide program, to pay the Contractor to both procure and install the requisite safety surfacing.

To this end, the undersigned are asking that an amount not to exceed $110,000.00 be transferred to the project's Contractor, to allow the City to complete the project. Please note that the majority of these funds, ($95,962.00) have already been allocated for this purpose through a May 11th Council action. This transfer would bring the contract total for Scott Lawn Yard to $243,265.00.

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

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

Yeas 5
Nays 0

APPROVED

RESOLUTION: NEW CONVENTION CENTER/ARENA, STUDY 2016-106
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, the Niagara County Event Center LLC, formed by members of the Niagara County Building and Construction Trades Council, has submitted an application for a Power Proceeds grant to pay for a feasibility study on the need for a new convention center/arena in Niagara Falls; and

WHEREAS, such a feasibility study is necessary to determine the need for such a new convention center/arena in Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby support Niagara County Event Center LLC's request for a grant from Western New York Power Proceeds Allocation Board to fund a feasibility study to determine the need for a new convention center/arena in Niagara Falls.

Yeas 5
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:05 P.M.

Carol A. Antonucci
City Clerk

OCTOBER 5, 2016

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The October 5, 2015, Budget Work Session of the Niagara Falls City Council was called to order at 5:02 p.m. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins and Charles Walker

Also present: City Administrator Nicholas Melson, City Controller Sandra Peploe, Human Resources Director Ruby Pulliam.

Corporation Counsel Craig Johnson spoke on the Budget for his Department. He said that with the retirement of a 30 year employee and the hiring of a replacement, the salary line would show a reduction; the line for Outside Consultants covers Attorneys who handle specialized matters, such as residency investigations and that, by the end of the year, work on the City Charter should be completed.

Deputy Corporation Counsel Thomas O'Donnell spoke on the Risk Management Department, and spoke on the Safety Manager position that is shared with the Water Board.

City Clerk Carol Antonucci spoke on the small adjustments in the lines for Advertising, and Elections.

Acting Building Commissioner Louis Fontana spoke on the Budget for the Code Enforcement Department. He noted that personal expenses were mostly the same for 2017 as 2016; an increase in permit fees; and an increase in Landlord Licensing fees, which renewals are due every two years. Council Member Walker asked if an additional Building Inspector would bring additional revenues, and Mr. Fontana responded that it would.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 5:40 p.m.

Carol A. Antonucci
City Clerk

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The October 13, 2016, Budget Work Session of the Niagara Falls City Council was called to order at 5:03 p.m. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins and Charles Walker

Also present: City Administrator Nicholas Melson, Human Resources Director Ruby Pulliam.

Council Member Ezra Scott, Jr. excused himself at 5:35 PM.

Acting Director of Planning, Environmental and Economic Development Thomas DeSantis and Director of Business Development Anthony Vilardo spoke on the Budget for the Planning/Economic Development Department. They noted that an increase in the Consultant Line was needed for assistance with obtaining Grants; the Community Policing Liaison position was transferred into this Department from the Police Department, and the person in this position would also be performing other duties within the Department. Council Member Walker asked that the Department focus on getting passengers and retailers into the Train Station.

Fire Chief Thomas Colangelo spoke on the Budget for the Fire Department. He said that the Department will likely this year surpass the 7,000 calls it responded to last year; the Department of Public Works has done Fire House improvements to the various buildings; consideration needs to be given to replacing the Tenth Street Fire Hall, possible locating it closer to the downtown area; a Grant was received for the Fire Training Tower; upgrades are being requested for two Fire Administration Office employees who have taken on additional duties; the Department will hire seven new Firefighters this year; the Life Safety Education position is being staffed with a Firefighter, who will also take on additional duties; the Overtime line is at 97% at this time, but the majority of the line is used in the summer to cover vacations so the Chief will continue to monitor the Line; and the Department is looking to having a contract with Rural Metro for ambulance service.

Director of Public Works and Parks, John Caso, spoke on the Budget for his Department. He said that there are 141 permanent employees in the Department, including three positions that were added for the Train Station, and Amtrak will be reimbursing the City for 62-63% of the costs for three positions; no new positions were added for parking meter responsibilities; additional funding for contracted tree removal is needed every year for work that is not able to be done by the Forestry Department; new trees should be planted on a yearly basis; the Department is working on complying with the DEC Order on Consent; paving is done for the year, but the Department will continue with sealing and use of the Zipper Machine. The Council Members complimented the Greenskeeper for the condition of the Golf Course.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 6:15 p.m.

Carol A. Antonucci
City Clerk

OCTOBER 14, 2016

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The October 14, 2016, Budget Work Session of the Niagara Falls City Council was called to order at 5:05 p.m. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Kenny Tompkins and Charles Walker

Absent: Council Member Ezra Scott, Jr.

Also present: Nicholas Melson City Administrator, Ruby Pulliam Human Resources Director

City Assessor James Bird spoke on the Budget for his Department. He said that a City-wide reassessment has not been budgeted for this year, but he would like to begin some data collection. Chairman Touma added that the City may be able to get a Grant to do the reassessment this year. Mr. Bird explained that the increase in the advertising line is for notification of filing dates for exemptions, and the $2,500 Stipend for the Assessor's Technician was mistakenly left out and will need to be put back into the Budget.

Civil Engineer III Robert Buzzelli and Sr. Project Designer Michael DeSantis spoke on the Budget for the Engineering Department. Chairman Touma inquired if the $50,000 budgeted in the Consultant Line would still be needed if a City Engineer were to be hired, and Mr. Buzzelli responded that the Consultant would be used to oversee large Projects.

Community Development Director Seth Piccirillo spoke on the Budget for his Department. He noted funds that were transferred from his Department to other Departments and for Projects of other Departments; staff reorganization due to retirements; and Grants that the Department has been awarded.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 5:30 p.m.

Carol A. Antonucci
City Clerk

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OCTOBER 17, 2016

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the October 17, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:00 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson and Deputy Corporation Counsel Thomas O'Donnell.

Council Member Walker moved to approve the Minutes from the Special Council Meeting of September 30, 2016, Council Meeting of October 3, 2016 and Budget Meeting of October 5, 2016.

Yeas	5
Nays	0
	APPROVED

Director of Community Development Seth Piccirillo gave a Presentation on the Empire State Poverty Reduction Initiative/Pre-Apprentice Training Program. The Program will prepare workers to enter into apprenticeships for local trades. Council Member Grandinetti said that transportation to training/job sites is an issue for some residents. Council Member Tompkins said that job training programs are available at non-union shops also. Council Member Walker said that preference needs to be given to City residents. The BOCES facility on Sixth Street can also be a job site, and Mr. Piccirillo said that his Department is working toward making that happen.

In the Administrative Update, Mayor Paul Dyster reported that crews are doing road repairs with the zipper machine; Buffalo Avenue will be done in a few weeks, weather permitting; grass seeding and topsoil are being done as each section of the road is completed; and National Fuel has put paint lines to mark their pipes along Lewiston Road where trees are to be planted. City Administrator Nick Melson reported that Purchasing is preparing bid specs for the purchase of security cameras. Council Member Grandinetti said that County Legislators Virtuoso and Zona had informed her that the Council will be gifting the James Avenue property to the City for the Smoke Tower.

Council Member Tompkins asked why the City is repairing water cuts instead of the Water Board, and City Administrator Melson responded that the City is reimbursed for the work by the Water Board.

Council Member Tompkins also asked about the vandalism that was done at the Skate Park, and City Administrator Melson said that the City will do the repair work, and the Skate Park is one of the sites for placement of a security camera. Council Member Walker said that while wearing helmets at the Skate Park is not mandatory, wearing them should be strongly encouraged. Chairman Touma noted that the Hyde Park Playground is a great asset, and Civil Engineer III Robert Buzzelli said that the floor pad for the Playground should be in place by the end of the month.

Chairman Touma inquired about the Train Station, and Deputy Corporation Counsel Thomas O'Donnell said that the City is very close to having a contract in place.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #10.

Council Member Grandinetti moved to amend the Item by adding Mike's Buy and Sell to be approved for licensing as a Second Hand Dealer.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

Chairman Touma noted an increase in the number of claims submitted (Agenda Item #2), and Mr. Johnson responded that the numbers have increased, and City Administrator Melson added that many of the claims are for damage done by tree limbs, and thanked the Council for additional funding to address this.

This Session ended at 5:45 PM

Chairman Touma reconvened the Meeting at 6:02 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	Vandalism at the Parks-supervision needed-use of Rangers or Auxiliary Police; downtown tourism issues
Gerald Skrlin	Campaign finance issues
Lynne Neveu	Youth Advisory Committee
Jamie Caldwell	Increases included in Budget
Roy McDowell	Mayor at Council Meetings; City Engineer; stop/walk Signals don't work; increases included in Budget; Shared services with County
Tracy Greene	Mayor at Council Meetings; businesses needed in North End; Property upkeep
Jocklin Pryor	Zoom Team issues; Basketball Court at Hyde Park; Restore plaque at Skate Park; Citizen attendance at Meetings.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF SEPTEMBER 2016
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S CLAIM REPORT FOR THE MONTH OF SEPTEMBER 2016
Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: TREE REMOVAL SERVICES, BENTLEY TREE CARE LLC

Agenda Item #3

TO: Bentley Tree Care LLC
P.O. Box 841
Ripley, NY 14775

FOR: Tree Removal Services at several locations throughout City: $85,612.00

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to six (6) vendors. One (1) bid was received. The above referenced company submitted the lowest bid.

Funding is available through casino funds.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: CLEARING OF VACANT LOTS, ADDITIONAL LANDSCAPING SERVICES, K.J. SMITH ENTERPRISES, INC.

Agenda Item #4

A contract for the above reference project was awarded to K.J. Smith Enterprises, Inc. on April 4, 2016 for clearing of vacant lots & related services.

The City solicited quotes for additional landscaping services on City owned land south of the Train Station site. K.J. Smith's quote for Additional Landscaping Services on City property. The price of $22,605.00 was lower and more complete than that of Scrufari Construction Inc.

Therefore it is the recommendation of the undersigned that Change Order #1 in the amount of $22,605.00 be approved.

Existing funding is available in the City's Train Station Contingency account previously approved by City Council for this project.

Will the Council vote to so approve?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: PARKING METER INSTALLATION, BER-NATIONAL AUTOMATION INC.

Agenda Item #5

A contract for the above referenced project was awarded to Ber-National Automation, Inc. on March 7, 2016 in the amount of $355,190.00.

Subsequent to the start of the project, small incremental changes to programming, parking locations and actual machine alterations/repairs have been necessitated by the startup of the entire on-street metering program. The cost of the alterations required to date come to a not-to-exceed amount of $2,200.00. However, existing underruns in actual bid item quantities will allow this requested change without an increase in the contract total.

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

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

Yeas	5
Nays	0
	APPROVED

POLICE DEPT.: BULLET PROOF VESTS, GRANT

Agenda Item #6

The Superintendent of Police advises that the City is the recipient of an award in the amount of $50,864.70 under the fiscal year 2016 Bullet Proof Vest Partnership solicitation. This will enable the NFPD to acquire 129 bullet proof vests.

Will the Council vote to accept this award and authorize the Mayor to execute any agreements or documents required in order to obtain the award provided that the same are in form and content acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: RENDLER, BONNIE LEE

Agenda Item #7

Date Claim Filed:	June 9, 2015
Date Action Commenced:	June 26, 2016
Date of Occurrence:	May 11, 2015
Location:	Adjacent to grass-covered island between Porter Road and Niagara Falls Boulevard
Nature of Claim:	Property damage sustained during grass cutting
City Driver:	N/A
Status of Action:	Pre-trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$495.72
Make Check Payable to:	Bonnie Lee Rendler
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: PETROSIAN, MICHAEL

Agenda Item #8

Date Claim Filed:	April 13, 2016
Date Action Commenced:	N/A
Date of Occurrence:	April 6, 2016
Location:	200 block of Main Street
Nature of Claim:	Automobile damage sustained in accident with City vehicle
City Driver:	Robert Bruno
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$2,113.77
Make Check Payable to:	Michael Petrosian
Conditions:	General Release to City approved by Corporation Counsel.

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

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

Yeas	5
Nays	0

APPROVED

CLAIM: LINDAMAN, CYNTHIA

Agenda Item #9

Date Claim Filed:	July 5, 2016
Date Action Commenced:	N/A
Date of Occurrence:	June 22, 2016
Location:	Alley between LaSalle Avenue and Whitney Avenue
Nature of Claim:	Automobile damage sustained during alley resurfacing
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1, 315.54
Make Check Payable to:	Cynthia Lindaman
Conditions:	General Release to City approved by Corporation Counsel.

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

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

SECOND HAND DEALER LICENSE, APPROVAL, OLD HOUSE TREASURES AND MIKE'S BUY AND SELL

Agenda Item #10

Chapter 338 of the Codified Ordinances states: "338.03…City Council may grant a license to carry on the business of secondhand dealer within the City…"

The following has submitted an application for a secondhand dealer license. These applications have been approved by the Niagara Falls Police Department.

Old House Treasures
2016 Pine Ave
Niagara Falls, NY 14301

Mike's Buy & Sell Shop
2101 Pine Ave
Niagara Falls, NY 14301

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

RESOLUTION: NFNY SPORTS COUNCIL, CREATION, 2016-107
BY: COUNCIL MEMBER CHARLES WALKER

Agenda Item #11

WHEREAS, the City of Niagara Falls, New York, recognize the need and the value in developing and creating a sports council; and

WHEREAS, the mission of the Niagara Falls New York (NFNY) Sports Council would be to positively impact the economy and quality of life of the Niagara Falls community and Greater Niagara Region. The Sports Council would attract and promote professional and amateur sporting events and programs. This council will also support community development through the promotion of these spectator sports programs while increasing the participation of the youth in sports and community-building as well as molding them into outstanding citizens; and

WHEREAS, the NFNY Sports Council will be created as an advisory board, and a 15-member voting board of directors, all volunteers, approved by the Niagara Falls City Council and Mayor. Each member will serve a 2-year term and after 2 years the council structure will be reviewed and board members will be re-appointed. The Niagara Falls Youth Board Director will serve as the city's representative to the Sports Council, as the council will create a youth and sports development commission to formulate policies and integrated youth and sports development programs; and

WHEREAS, the NFNY Sports Council will be responsible for generating its funds. Financial support comes from private investments from corporate members, investors, event sponsors, individual members, event and program revenues, civic contributions and a city re-investment of a percentage of tourism dollars directly generated by sporting events (tournaments); and

WHEREAS, supporting the Sports Council is a valuable community investment that will not only provide the city of Niagara Falls with home field advantage but will reward investors with tangible membership value and being a part of the team that will make sporting events in Niagara Falls a premier destination for all; and

WHEREAS, the Council will have a game plan, they will work with sports organizations, the school district and others to bid on, attract and host major sporting events that meet objectives such as, economic development, tourism impact, quality of life enhancement and international exposure for Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby approve the creation of the Niagara Falls New York Sports Council.

Yeas	5
Nays	0
	ADOPTED

Council Member Walker said this will help to coordinate Sporting Events and attract more events.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 6:45 P.M.

Carol A. Antonucci
City Clerk

The October 20, 2016, Budget Work Session of the Niagara Falls City Council was called to order at 5:02 p.m. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins and Charles Walker
Also present: City Administrator, Nicholas Melson and Human Resources Director Ruby Pulliam

Police Superintendent Bryan DalPorto, Deputy Chief Nick Ligammari, Administrative Assistant Nancy Shiah spoke on the Police Dept. Budget. Chief DalPorto said that 77% of the 2016 Budget has been used so far. The overtime has been managed very well and they have done a good job in staying within the Budget. He stated that one of the biggest costs is Community Relations. The Consultant Line has been cut out of the Budget. The 911 Dispatch Consultant Line has used $35,000 so far & Chairman Touma asked if they need the entire $50,000 and Chief DalPorto explained that they need to keep it at $50,000 and he is very hesitant to cut this. Monies approved for Technology are needed and the repair of equipment is up due to Maintenance Agreements. Council Member Tompkins asked about use of Auxiliary Police and the Chief stated that creating a Volunteer force in lieu of paid Police Officer Program is being looked into. Council Member Grandinetti said with all the improvements in the Parks, she is concerned about safety.

Human Resources/EEO Officer Ruby Pulliam spoke on the Budget for her Department. She said the weekly payroll is up a little bit and there is still one vacancy posted and is ready to be filled. One position of Jr. Account Clerk has been changed to HR Clerk. Office Supplies is up as well as the addition of office space to Room 17 has been included. Travel and Training is up due to 2 conferences. Ms. Pulliam explained that we need to look at Diversity Training.

Carmen Granto spoke on the Budget concerning the Library. The Director is presently out on Medical Leave. People rely on the Library for books, computers and references. The City needs to maintain their funding for the Library. There will be a huge increase in the 2017 Budget. There are 15 full time and 19 part time employees. Assemblyman John Ceretto & Senator Robert Ortt have contributed money for the Historical Section. The Library needs to be organized as there is too much space. Council Member Grandinetti stated that maybe move to the Old Library which is now the Community Development Building. History Museum is greatly needed in order to preserve the artifacts we have now & for the Public to be able to view. They are advertising for a new Director and residency is required for this. They also need full time security in the Building.

MIS Director Joe Morock, Jr. spoke on the Budget for his Department. He commended the Council on approving money for the Department. They are slight increases for 2017. The major change is that Beth Finnegan is in the MIS office from the Purchasing Dept. This doesn't affect the Budget just the equipment line as she is using the copier & printer. He is requesting a small upgrade and increase for the employee who is doing the County & School Tax Bills. They also need to add an Administrative position and this is up for consideration in 2017. Mr. Morock said they will be replacing the E-Mail system and install a Cloud based system. Chairman Touma asked about the purpose for Overtime & Mr. Morock said the City workers rely on MIS. His workers basically are on call 24/7 and only Comp Time is earned. He would like to have overtime for his workers. He is doing the extra work with no compensation. City Administrator Nick Melson & HR Director Ruby Pulliam said they are working to establish Flex Time.

Purchasing Agent Johnny Destino spoke on the Budget for his Department. He is working on getting a Board to move forward. He's in charge of maintenance of records. The Records & Access Clerk has moved to MIS. The records are sent to the Library to be archived. The new Administrative Assistant is starting on Monday, October 24. The projected Projects are the Bid packages for Water Board and Business Cards are solicited to "Women Only" Printers. Mr. Destino has saved money by purchasing through the State.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 6:35 p.m.

Carol A. Antonucci
City Clerk

NOVEMBER 1, 2016

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the November 1, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Sandra Peploe.

Council Member Walker moved to approve the Minutes from the Council Budget Meeting of October 13 and October 14, 2016 and the Council Meeting of October 17, 2016.

Yeas	5
Nays	0
	APPROVED

Rev. Allen spoke on NOAH and said she was here to present and share concerns in Niagara Falls. There is a problem in Niagara Falls for hiring and there is a need for change. NOAH has partnered with Local Labor Unions and Trades to discuss a new career problem and there is a need for local hiring in Niagara Falls. There should be 25% of every 100 recruits in the pool of graduates from their program and a prevailing wage of $16.00 plus benefits per hour should be addressed. Dick Palladino, from NOAH, handed out points of interest to the Council. NOAH involves different age groups, not just the young. Laborers Local #91 is paying for the education of the workers and they are offering guidance from their Journeymen to the students. Rev. Joseph Myles, from NOAH, stated that jobs need to stay here locally and to focus on hiring minorities. Council Chairman Andrew Touma stated the Council feels strongly about NOAH and will look at this carefully and support hiring of local residents.

In the Administrative Update, City Administrator Nick Melson said the road construction on Buffalo Avenue is moving along nicely. The Portage Road Project is on schedule and the majority of the work is being done this season. The Lockport Street bid award is on the Agenda tonight and will begin March or April 2017.

Mayor Paul Dyster stated Buffalo Avenue Phase 3 is being done. The Daly Blvd. Ext. Project is receiving more attention, no announcements at this time. He stated that on Thursday, November 3, 2016, there will be an Opportunity Area Developers Forum which is funded by New York State, and he is encouraged by the amount of interest in this.

Chairman Touma stated that keeping the Golf Course open for the next month is great, and he has received excellent reviews on the Greenskeeper.

Chairman Touma said that a resident asked about the Permit process. Council Member Kenny Tompkins stated that the residents don't know what their responsibility is and information needs to be put on the website. Nick Melson, City Administrator, stated it is in the Ordinance and he will look at putting this on the website.

Mayor Dyster said Community Development Director, Seth Piccirillo, is not able to talk about the Plan for Foreclosure Relief at this time.

Corporation Counsel Craig Johnson distributed copies of 2 Agenda Items to be added.

1. A Communication relative to the purchase of floor heaters for Fire House #9

Council Member Walker moved to add the Communication to the Agenda

Yeas	5
Nays	0

Motion to add Communication to Agenda approved

The Communication was added to the Agenda as #21

2. A Resolution relative to naming November Small Business Month

Council Member Grandinetti moved to add this Resolution to the Agenda

Yeas	5
Nays	0

Motion to add Resolution to Agenda approved

The Resolution was added to the Agenda as #22

This session ended at 5:40 PM

Chairman Touma reconvened the Meeting at 6:00 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.

Chairman Touma announced a Special Order of Business, a Public Hearing related to the Proposed 2017 Executive Budget, and asked if there were any speakers relative thereto. City Controller Sandra Peploe was present for the Public Hearing. The following spoke:

Ron Anderluh
Dan Davis
Robert Ventry

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

Gerald Skrlin	Agenda Item #13
Ron Anderluh	New paving in LaSalle area; inform Citizens on permits, send information with Tax Bills
Gerald Skrlin	Experiment in American culture; 4th Amendment; Planning Board signed off on his property; free speech
Jockline Pryor	Experience with Police Dept.
Harvey Albond	Love Canal; RR Station that is being built
Lynne Neveu	Youth City Council; training for adults who work with Youths
Robert Ventry	Convention Center closing; sidewalks on 70th St.; Lockport Rd.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

COMMUNITY DEVELOPMENT: NFMMC 2015 GRANT, AMENDMENT

Agenda Item #1

The 2015 CDBG budget includes a $50,000 grant to Niagara Falls Memorial Medical Center. The budget line describes the grant as being for "Construction of the Center for Community Health within the Niagara Falls Memorial Medical Center Medical Campus on 10th Street." The Community Health Center is now known as the Golisano Center for Community Health.

The budget provides that the grant is to be used to pay a portion of the construction costs of the Project. However, since the grant will only be used for a small portion of the overall project, it is more efficient to use the CDBG funds to purchase equipment for the Golisano Center for Community Health. If the CDBG funds are used for construction, the Community Development Department would have to review weekly payroll records for the entire project.

Therefore, it is recommended that the 2015 CDBG grant to NFMMC be used to pay a portion of the equipment costs for the Community Health Center project. Specifically, the grant will be used to offset equipment costs in the Center's Community Education Room..

Will the Council vote to approve the amendment to the 2015 CDBG grant to NFMMC as presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: SKATE PARK CONSTRUCTION, PINTO CONSTRUCTION

Agenda Item #2

A contract for the above referenced project was awarded to Pinto Construction Services Incorporated, 1 Babcock Street, Buffalo, NY, on May 16, 2016 in an amount of $494,000.00.

Before construction started the Skate Park was relocated further south to a different Hyde Park site directly across from Gaskill Prepatory School.

This site had greater variations in the surrounding grade that required additional stone fill and grading necessary for the construction of the Skate Park. The cost for the additional labor, materials and equipment to perform the additional work was $24,140.00.

The total cost of all the additional work is $24,140.00 which brings the contract total to $518,140.00.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $24,140.00 be approved. Sufficient funding for this change order comes from the City's Community Development Department through a United States Department of Housing and Urban Development Block Grant fund and from the Tony Hawk Foundation grant.

Will the Council vote to so approve?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: LOCKPORT STREET RESURFACING PROJECT, ACCADIA SITE CONTRACTING, INC.

Agenda Item #3

The following was the result of bids received on September 28, 2016, for the above referenced project:

CONTRACTOR	BASE BID
Accadia Site Contracting, Inc. 5636 Transit Road Depew NY 14043	$1,328,529.28
Nova Site Company LLC	$1,393,300.00
Mark Cerrone Inc.	$1,433,000.00
CATCO	$1,515,340.54
Yarussi Construction Inc.	$1,572,900.00
Keleman-Bauer Construction Inc.	$1,632,265.50

It is the recommendation of the undersigned that this project be awarded to Accadia Site Contracting, Inc. at its Base Bid of $1,328,529.28. Funding is available under Code H0633.2006.0633.0449.599.

Our design consultant Urban Engineers of New York, P.C. has reviewed the bid package 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 has also found the bid award package acceptable. Please note that this award is 80% Federally reimbursable and 15% State (Marchiselli) reimbursable, costing the City only 5% of the total contract cost.

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

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

Yeas 5
Nays 0

APPROVED

BUFFALO NIAGARA RIVERKEEPER, HABITAT RESTORATION PROJECTS

Agenda Item #4

At your April 4, 2016 meeting you approved the above referenced agreement with Buffalo Niagara Riverkeeper to perform habitat restoration projects in Hyde Park and along Gill Creek. This was to be done at no cost to the City.

As the work was progressing it was determined that it was appropriate to reinstall an elevated pedestrian walkway as part of the project.

Riverkeeper can have its contractors perform this work for the amount of $9,900.00.

The City previously had approved a Greenway Project for Hyde Park shoreline and upland improvements and this change order can be funded from the Greenway funds approved under that project.

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

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

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

FOOD TRUCKS, ORDINANCE ADOPTION

Agenda Item #5

Please be advised that, Mayor Paul A. Dyster, on October 19, 2016, duly approved the following:

Resolution 2016-103, relative to Adopting Chapter 343 of the Codified Ordinances Entitled "Mobile Food Vending"

THIS ITEM HAS BEEN RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

741 PARK PLACE AND 751 PARK PLACE, INSTALL "NO STANDING ANYTIME"

Agenda Item #6

At the Traffic Advisory Commission meeting held on October 24, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5' AREA OF "NO STANDING ANYTIME" AROUND THE LEAD IN SIDEWALKS AT 741 PARK PLACE (AMBASSADOR HOUSE) & 751 PARK PLACE (BUTLER HOUSE BED & BREAKFAST)

This will provide their guests, some of which are handicapped, access for loading/unloading of luggage, etc.

Submitted By: Merle & Halina Smouse, owners, Ambassador Bed & Breakfast, 741 Park Place and Butler House Bed & Breakfast, 751 Park Place

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0

APPROVED

2914 MICHIGAN AVENUE, INSTALL 5" HANDICAPPED ACCESS SPACE

Agenda Item #7

At the Traffic Advisory Commission meeting held on October 24, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 2914 MICHIGAN AVENUE

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

Submitted By: Vincent Reisch, 2914 Michigan Avenue

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0

APPROVED

714 BUFFALO AVENUE, INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #8
At the Traffic Advisory Commission meeting held on October 24, 2016 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 714 BUFFALO AVENUE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Edward Connolly, 714 Buffalo Avenue, Apt.2

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

Yeas	5
Nays	0
	APPROVED

78TH STREET & 79TH STREET, GIRARD AVENUE, INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #9
At a Traffic Advisory Commission meeting held on October 24, 2016 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON GIRARD AVENUE BETWEEN 78TH STREET & 79TH STREET

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

Submitted By: Wendy Thompson, 585 78th Street and Petition/Residents of Block

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

Yeas	5
Nays	0
	APPROVED

DUDLEY AVENUE & 36TH STREET, INSTALL ALL WAY STOP SIGNS, DENIED

Agenda Item #10
At the Traffic Advisory Commission meeting held on October 24, 2016, the Commission
DENIED:

1) Request submitted by Caroline Boback, 3227 Dudley Avenue, to INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION OF DUDLEY AVENUE AND 36TH STREET. The intersection was studied with the following results: Accidents (right angle and turning collision) 2012/0, 2013/0, 2014/0, 2015/0, and 2016/0 to present. Traffic volume per hour: 36th Street = 24 vehicles + 1 pedestrians, Dudley Avenue = 25 vehicles + 1 pedestrians (total = 49 vehicles per hour & 2 pedestrians). This intersection falls far short of the MUTCD Minimum Warrants for the placement of “ALL WAY” stop signs. Since speeding in this two block section of Dudley Avenue from Packard Rd. to Hyde Park Blvd. was the main complaint, speed limit signs were placed at both ends of this stretch of roadway and Police Traffic Captain Angela Munn will place radar, including the radar speed board here to monitor the situation.

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: ALLEN, LATANYA

Agenda Item #11

Date Claim Filed:	June 23, 2011
Date Action Commenced:	August 19, 2011
Date(s) of Occurrence:	May 28, 2011
Location:	Nor-Lock Park
Nature of Claim:	Injuries sustained on playground equipment
City Driver:	N/A
Status of Action:	Pre-Trial
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$20,000.00
Make Checks Payable to:	$12,988.17 to LaTanya Allen, as PNG of Heaven Estell $7,011.83 to Dolce Panepinto, P.C., as attorneys
Conditions:	General Release and Stipulation of Discontinuance approved by Corporation Counsel, Approved Infant Settlement.

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

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

Yeas	5
Nays	0
	APPROVED

CLAIM: FARINAS, ADAM

Agenda Item #12

Date Claim Filed:	August 31, 2106
Date Action Commenced:	N/A
Date of Occurrence:	August 22, 2016
Location:	9152 Griffon Avenue
Nature of Claim:	Automobile damage sustained from fallen tree limb
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$335.88
Make Check Payable to:	Adam Farinas
Conditions:	General Release to City approved by Corporation Counsel.

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

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

Yeas	5
Nays	0
	APPROVED

CLAIM: ANELLO, MATTEO

Agenda Item #13

Date Claim Filed: N/A	
Date Action Commenced:	August 19, 2009
Date(s) of Occurrence:	October 8,' 2007 and October 22, 2007
Location:	N/A
Nature of Claim:	Damages and attorneys' fees resulting from removal from City Council meeting and arrest
City Driver:	N/A
Status of Action:	Post-Trial
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$156,414.25
Make Checks Payable to:	See attached Schedule A (on file in the City Clerk's Office)
Conditions:	General Release and Settlement Agreement approved by Corporation Counsel.

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

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

Yeas	5
Nays	0
	APPROVED

CITY PROPERTY: 1640 FALLS STREET, SALE

Agenda Item #14

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $500.00. This property was approved for sale by the Planning Board. Attached hereto (on file in the City Clerk's Office) is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas	5
Nays	0
	APPROVED

CITY PROPERTY, 458 23RD STREET, SALE

Agenda Item #15

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $500.00. This property was approved for sale by the Planning Board. Attached hereto (on file in the City Clerk's Office) is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas 5
Nays 0

APPROVED

CITY PROPERTY: 356 72ND STREET, SALE

Agenda Item #16

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $500.00. This property was approved for sale by the Planning Board. Attached hereto (on file in the City Clerk's Office) is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas 5
Nays 0

APPROVED

CITY PROPERTY: 1115 NORTH AVENUE, SALE

Agenda Item #17

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $500.00. This property was approved for sale by the Planning Board. Attached hereto on file in the City Clerk's Office) is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas 5
Nays 0

APPROVE

RESOLUTION: CHILD ADVOCACY CENTER, WAIVER OF PARKING FEES, 2016-108
BY: COUNCIL MEMBERS GRANDINETTI, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #18

WHEREAS, The Child Advocacy Center of Niagara will hold its training on T*rafficking and Commercial Sexual Exploitation of Children (CSEC)*, in partnership with the Niagara County Department of Social Services and the New York State Office of Children and Family Services on Thursday, December 1, 2016 from 8:30am – 4:00pm.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby waive parking fees in the Third Street city parking lot and downtown parking ramp for persons attending the training, scheduled for Thursday, December 1, 2016 from 8:30am – 4:00pm. (request on file in the City Clerk's Office)

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TAXATION AND ASSESSMENT, ORDINANCE AMENDMENT, 2016-109
BY: ALL COUNCIL MEMBERS

Agenda Item #19

RESOLVED, that Local Law No. ____ for the year 2016 be introduced, and that a public hearing be held on such Local Law on the 14th day of November, 2016 at 6:00 P.M. Standard 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 VIII, Section 201 of the City Charter, entitled "Taxation and Assessment".

Local Law request filed in the City Clerk's Office.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TAXATION AND ASSESSMENT, ORDINANCE AMENDMENT, 2016-110
BY: ALL COUNCIL MEMBERS

Agenda Item #20

RESOLVED, that Local Law No. ____ for the year 2016 be introduced, and that a public hearing be held on such Local Law on the 14th day of November, 2016 at 6:00 P.M. Standard 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 VIII, Section 201-b of the City Charter, entitled "Taxation and Assessment".

Local Law request filed in the City Clerk's Office.

Yeas 5
Nays 0
ADOPTED

PURCHASE: FLOOR HEATERS, FIRE HOUSE #9, SCHAEFER SUPPLY

Agenda Item #21

The Fire Chief advises that the floor heaters utilized at Fire House 9 to heat firefighting apparatus during cold weather must be replaced. There is a need for two (2) heaters. Quotes were obtained from various vendors and the lowest quote was provided by Schaefer Supply in the amount of $1,515.23 for two (2) heaters. Installation of the heater units will be accomplished by City employees at the Department of Public Works.

Funds in order to purchase these heaters are available from casino revenues earmarked for Fire Department capital purchases.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

RESOLUTION: SMALL BUSINESS MONTH RECOGNIZING, 2016-111
BY: ALL COUNCIL MEMBERS

Agenda Item #22

WHEREAS, "Small Business Saturday," is a nationwide event wherein shoppers are encouraged to patronize small, local, brick and mortar businesses, will fall on November 26 in 2016; and

WHEREAS, "Small Business Saturday" has grown into a nationally recognized event in recent years, drawing attention to the importance of small businesses to the local and national economy; and

WHEREAS, the Niagara Falls Departments of Economic & Community Development are designated "Small Business Saturday Neighborhood Champions;" and

WHEREAS, a number of the city's business associations are coordinating with one another to hold events and rallies that spotlight local small businesses; and

WHEREAS, the City Council of the City of Niagara Falls wishes to promote the vitality of small businesses in the Cataract City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby declares the month of November in 2016 to be "Small Business Month" in Niagara Falls, New York; and

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, New York wishes to recognize the hardworking men and women that operate small businesses in the city, and encourages the citizens of Niagara Falls to participate in Small Business Week by patronizing small businesses and by participating in events and rallies that highlight their contributions to our city.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 6:55 P.M.

Carol A. Antonucci
City Clerk

NOVEMBER 7, 2016

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The November 7, 2016, Budget Work Session of the Niagara Falls City Council was called to order at 5:10 p.m. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins and Charles Walker

Also present: City Administrator Nick Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell.

The Council adopted Sixty-two (62) Budget Amendment Resolutions.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 5:45 p.m.

Carol A. Antonucci
City Clerk

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NOVEMBER 9, 2016

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The November 9, 2016, Budget Work Session of the Niagara Falls City Council was called to order at 5:05 p.m. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins.
Absent Council Member Charles Walker.
Also present: City Administrator Nick Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell, Controller Sandra Peploe.

The Council adopted eighteen (18) Amendment Resolutions.
Chairman Touma announced that the Budget Work Session, scheduled for November 10, 2016, is cancelled.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 5:20 p.m.

Carol A. Antonucci
City Clerk

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NOVEMBER 14, 2016

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the November 14, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:00 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Sandra Peploe.

Council Member Walker moved to approve the Minutes from the Budget Meeting of October 20, 2016 and the Council Meeting of November 1, 2016.

Yeas	5
Nays	0

APPROVED

John Percy, President and CEO of the Niagara Tourism and Convention Corporation, gave the 2015 Annual Report for the organization. He noted that 2015 surpassed 2014, and thanked the Council for their support.

Community Development Director Seth Piccirillo spoke on the "Zombie Fighter" Grant the City received from the Local Initiatives Support Corporation. He said that it is a onetime Grant in the amount of $250,000, and will be used to compile a data base for each City property that will include all information available from every City Department for that property.

Mr. Piccirillo also spoke on the 2017 Budget for his Department. He explained his Plan for the reorganization of the Department, and noted that he was not asking for any additional or new funding for the Department. Mayor Paul Dyster thanked Mr. Piccirillo for providing the information for the Council.

In the Administrative Update, City Administrator Nick Melson reported that:

1. Revenue to date for winter golf is $9,500.
2. The City is ready to go with plows and salt for the roads.
3. Leaf pickup is being done.
4. Portage Road will be completed on Tuesday, and then road striping will be done.
5. Work is being done by the City's tree contractor.

Mayor Dyster added that he signed the contract for Lockport Street today, and Buffalo Avenue Phase 2 is pretty much complete.

Chairman Touma asked how long before trains are moving through the new Amtrak Station, and Mayor Dyster replied that it is up to Amtrak when they start service at the new station.

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

1. A communication relative to the sale of City property at 516 Tenth Street.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #11.

2. A Local Law relative to Taxation and Assessment for a Senior Citizen exemption.

Council Member Grandinetti moved to add the Local Law to the Agenda.
Yeas 5
Nays 0
MOTION TO ADD LOCAL LAW TO AGENDA APPROVED
The Local Law was added to the Agenda as #12.

3. A Local Law relative to Taxation and Assessment for a Disability exemption.

Council Member Grandinetti moved to add the Local Law to the Agenda.
Yeas 5
Nays 0
MOTION TO ADD LOCAL LAW TO AGENDA APPROVED
The Local Law was added to the Agenda as #13.

Chairman Touma thanked our local Niagara County Legislators for their assistance in the expansion of the Northpointe facility at Trott (Agenda Item #9). Mayor Dyster noted that he had signed this Agenda Item in July, but it was presented for the Council's approval at today's Meeting.

Mayor Dyster thanked Fire Chief Thomas Colangelo and the County of Niagara for their efforts in the location the Fire Training Tower (Agenda Item #6).

This Session ended at 6:15 PM

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

Chairman Touma announced a Special Order of Business, Public Hearings relative to amending Article VIII, Section 201 & 201-b entitled "Taxation & Assessments" 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:

Ron Anderluh	Agenda Item #7
Roy McDowell	Agenda Items #4, #5, #9
Roy McDowell	Mayor at Council Meetings; City Engineer needed; Glad to see raises out of Budget; questioned increased Budget lines; residency; reroute Whirlpool St. to Main St.
Gerald Skrlin	Free Speech issues

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF OCTOBER 2016

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF OCTOBER 2016

Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CITY PROPERTY, 1634 ONTARIO AVE., SALE

Agenda Item #3

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $500.00. This property was approved for sale by the Planning Board. Attached hereto (on file in the City Clerk's Office) is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas	5
Nays	0
	APPROVED

FIRE DEPARTMENT: FIRE HOSE PURCHASES, FUNDING

Agenda Item #4

The Fire Chief advises that the Department is running extremely low on replacement hose of all different sizes. It is therefore requested that the sum of $5,000.00 be made available to the Department for this purpose.

Funding is available from casino revenue earmarked for Fire Department capital purchases.

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, ID MAKER, PURCHASE, FUNDING

Agenda Item #5

The Fire Chief has identified a need to have equipment available in the Department in order to make IDs for NFFD personnel and also for non-NFFD personnel who assist the NFFD in large incidents so that their identity may be ascertained by those persons securing the area. The sum of $3,000.00 is requested for this purpose.

Funding is available from casino revenue earmarked for Fire Department capital purchases.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

FIRE DEPARTMENT: FIRE TRAINING TOWER, 1746 JAMES AVE

Agenda Item #6

The City is in the process of completing the paperwork to secure a grant for the construction of a fire training tower at 1746 James Avenue, Niagara Falls, NY (the "Premises"). The Premises is currently owned by the County of Niagara. The Niagara County legislature unanimously approved the transfer of the Premises to the City for no consideration for the purpose of the construction of a new fire training tower on the Premises by the City. The acceptance of the conveyance of the Premises is contingent upon the City receiving the grant to construct the fire training tower on the Premises as well as the Corporation Counsel's office doing its due diligence as concerns title issues and related inquiries as concerns the condition of the Premises. (approval of Planning Board on file in the City Clerk's Office)

Will the Council so approve and authorize the Mayor to execute any documents required to transfer the Premises to the City provided the same are satisfactory to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: TRAIN STATION, AMTRAK, LEASE

Agenda Item #7

Attached (on file in the City Clerk's Office) is the proposed lease agreement with Amtrak for the use of the new train station.

It is for an initial term of twenty (20) years and is subject to Amtrak's option for two additional twenty (20) year terms.

Amtrak is responsible for a pro rata share of certain expenses related to the building on the ratio of its use (including the use of the Department of Homeland Security) in the amount of 29,360 square feet of the total 46,430 square feet of the building (63%).

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

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

Yeas	5
Nays	0
	APPROVED

COMMUNITY DEVELOPMENT: ZOMBIE FIGHT PROJECT, GRANT

Agenda Item #8

The Niagara Falls Community Development Department (CD) was awarded a competitive Local Initiatives Support Corporation (LISC) grant of $250,000 on October 12, 2016. This grant is not funded by tax payer dollars at any level of government. It also does not require the city to expend funds prior to disbursement. The grant is the result of the February 11, 2016 settlement agreement between Morgan Stanley and the New York Attorney General. These grant funds are being made available as part of the activities of the New York State Housing Stabilization Fund.

The City of Niagara Falls' proposed Zombie Fight Project (ZFP), managed by CD, will target vacant residential properties through enhanced inspections, the use of new technology and a data driven model designed to identify, target and renovate vacant properties. Initial deliverables include:

(1) Form/lead the Abandoned Property Task Force, including public outreach;
(2) Create and monitor the "25 Most Wanted Zombies List," providing quarterly updates;
(3) Create and manage a zombie/vacant properties database, including online mapping;

(4) Execute exterior inspections of targeted properties;
(5) Create a Zombie/Blighted Property Inspection Checklist with the city's inspections department;
(6) Conduct title searches and assist expedited foreclosures; and
(7) Along with Niagara Falls Community Development Staff, conductoutreach to current/displaced home owners regarding mortgage modifications, or renovation programs. Existing CD funds will be dedicated to physical housing improvements.

Will the Council allow the Mayor to officially accept this grant and authorize necessary agreements?

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

Yeas 5
Nays 0
APPROVED

NORTHPOINTE CLINIC: TROTT FACILITY EXPANSION, FUNDING

Agenda Item #9

As the Council is aware, Northpointe Council, Inc. ("Northpointe") has run a drug treatment clinic in the Trott Center for a number of years. Due to space constraints at the Trott Center, it has been looking for a new site within the City of Niagara Falls.

Recently it has been determined that due to other vacancies in the Trott facility, that Northpointe will be able to relocate and expand within the Trott facility to continue its operations in the City.

As there will be some build-out costs associated with changes to the Trott facility to accommodate Northpointe, it is requested that the Council appropriate up to $50,000.00 of casino funds to provide a grant to Northpointe for this work. The County of Niagara is in favor of Northpointe remaining at Trott and is also looking at granting a similar sum to Northpointe to facilitate this.

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

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

Yeas 5
Nays 0
APPROVED

Chairman Touma said he wished this had been done sooner so more people could be helped.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

SECOND HAND DEALER LICENSE, APPROVAL, UZED DEALZ

Agenda Item #10

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 been approved by the Niagara Falls Police Department.

Uzed Dealz
1715 Pine Ave
Niagara Falls, NY 14301

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

CITY PROPERTY, 516 10TH STREET, SALE

Agenda Item #11

Mr. Douglas Harris was the successful bidder at $1,700.00 for the purchase of 516 Tenth Street Avenue at the Homeownership Auction. The Planning Board recommended approval of the sale. The recommendation is attached (on file in the City Clerk's Office).

The home at 516 Tenth Street is a 2330 square foot old style house built in 1890 on a 33 x 123' foot lot on the west side of Tenth Street. The property is assessed for $3,100.00. The SBL number is 159.30-3-9. If the sale is approved, Mr. Harris must complete rehabilitation of the property in one year and must reside on the property as his principal residence for 5 years.

Will the Council vote to approve sale if 516 Tenth Street as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

LOCAL LAW: TAXATION AND ASSESSMENT, SENIOR CITIZEN EXEMPTION, 2016-1

Agenda Item #12

A local law to amend the Niagara Falls City Charter as amended, by amending Section 201 of Article VIII of the Charter, entitled "Taxation and Assessment".

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 Article VIII, Section 201 to read as follows:

201. Pursuant to Section 467 and 467-d of the Real Property Tax Law of the State of New York, real property owned by one or more persons each of whom is sixty-five years of age or over, or real property owned by husband and wife, one of whom is sixty-five years of age or over, shall be exempt from taxation by the City of Niagara Falls, New York to an extent of up to fifty per centum of the assessed valuation thereof, subject to the following conditions:

a. The exemption shall be based upon the income as described in Section 467 of the Real Property Tax Law of the owner or the combined income of the owners of the property and shall be as follows:

ANNUAL INCOME	% OF ASSESSED VALUATION EXEMPT FROM TAXATION
[Less than $18.025]	50%
Less than $21,000	50%
[From $18,025.00 to $19,024.99]	45%
From $21,000 to 21,999.99	45%
[From $19.025.00 to $20,024.99]	40%
From $22,000 to $22,999.99	40%
[From $20,025.00 to $21,024.99]	35%
From $23,000 to $23,999.99	35%
[From $21,025.00 to $21,924.99]	30%
From $24,000 to $24,899.99	30%
[From $21,925.00 to $22.824.99]	25%
From $24,900 to $25,799.99	25%

[From $22,825.00 to $23,724.99]	20%
From $25,800 to $26,699.99	20%
[From $23,725.00 to $24,624.99]	15%
From $26,700 to $27,599.99	
[From $24,625.00 to $25,524.99]	10%
From $27,600 to $28,499.99	

Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, rental income, salary or earnings, and income from self-employment, but shall not include gifts or inheritances.

…

Section 2. This local law shall take effect as provided in the Municipal Home Rule Law and shall be applicable to Assessment rolls with a taxable status date on or after January 1, 2017.

Underlining and Bold indicate additions.
Bold and [Brackets] indicate deletions.

Council Member Grandinetti moved to adopt the Local Law.

Yeas	5
Nays	0

APPROVED

LOCAL LAW: TAXATION AND ASSESSMENT, DISABILITY EXEMPTION, 2016-2

Agenda Item #13

A local law to amend the Niagara Falls City Charter as amended, by amending Section 201-b of Article VIII of the Charter, entitled "Taxation and Assessment".

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 Article VIII, Section 201-b to read as follows:

> Pursuant to Section 459-c of the Real Property Tax Law of the State of New York, real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has such disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the City of Niagara Falls, New York to an extent of up to 50 per centum of the assessed valuation thereof, subject to the following conditions:
>
> 1. The exemption shall be based upon the income as described in Section 459-c of the Real Property Tax Law of the owner or the combined income of the owners of the property and shall be as follows:

Annual Income	% of Assessed Valuation Exempt from Taxation
[$15,025 or less] $17,500 or less	50%
More than [$15,025] $17,500 but less than [$16,025] $18,500	45%
More than [$16,025] $18,500 but less than [$17,025] $19,500	40%

More than [$17,025] $19,500 but less than [$18,025] $20,500	35%
More than [$18,025] $20,500 but less than [$18,925] $21,400	30%
More than [$18,925] $21,400 but less than [$19,825] $22,300	25%
More than [$19,825] $22,300 but less than [$20,725] $23,200	20%
More than [$20,725] $23,200 but less than [$21,625] $24,100	15%
More than [$21,625] $24,100 but less than [$22,525] $25,000	10%
More than [$22,525] $25,000 but less than [$23,425] $25,900	5%

Section 2. This local law shall take effect as provided in the Municipal Home Rule Law and shall be applicable to Assessment rolls with a taxable status date on or after January 1, 2017.

Underlining and Bold indicate additions.
Bold and [Brackets] indicate deletions.

Council Member Grandinetti moved to adopt the Local Law.

Yeas	5
Nays	0
	APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 6:50 P.M.

Carol A. Antonucci
City Clerk

NOVEMBER 23, 2016

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

November 16, 2016

Members of the City Council
And
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Wednesday, November 23, 2016 at 5:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose(s):

Continued Review and Action on Mayor Dyster's Proposed 2017 budget.

Respectfully submitted,

_____
Andrew Touma, Council Chair

The November 23, 2016 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Andrew Touma at 5:13 PM in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, Charles Walker.

Also Present: City Administrator Nicholas Melson, Corporation Counsel Craig B. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Sandra Peploe.

Chairman Touma asked Human Resources Director Ruby Pulliam to explain the Budget Amendments relating to Personnel.

The Council adopted 29 Budget Amendment Resolutions and defeated 4 Budget Amendment Resolutions.

RESOLUTION: BUDGET, 2017, ADOPTING, 2016-112
BY: Council Member Kristen Grandinetti
Council Member Ezra Scott, Jr.
Council Member Kenny Tompkins
Council Member Charles Walker
Council Chairman Andrew Touma

WHEREAS, on September 30, 2016, the Mayor duly presented this Council with the Proposed Executive Budget for 2017, including a capital plan; and

WHEREAS, the required public hearing on said proposed Executive Budget was held on November 1, 2016, at which the Council and the City Controller were present, notice of which was published on October 7, 2016; 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, 2016;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls, New York, that the Proposed Executive Budget for 2017 is hereby adopted as amended, which amendments, identified as budget resolutions numbers 1 through 109 inclusive, numbers 7, 10, 15, 17, 18, 19, 22, 23, 30, 35, 43, 45, 46, 47, 53, 56, 57, 63, 64, 66, 67, 69, 72, 75, 79, 80, 88, 89, 91, 92, 94, 95, 96, 97, 98, 100, 101, 102, 106 and 108, 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, 2016; 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 $29,104,014 (Twenty-Nine Million, One Hundred Four Thousand, Fourteen 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.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 6:15 PM.

Carol A. Antonucci
City Clerk

NOVEMBER 28, 2016

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the November 28, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:06 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Sandra Peploe.

Council Member Grandinetti moved to approve the Minutes from the Budget Amendment Meetings of November 7, November 9 and the Council Meeting of November 14, 2016.

Yeas	5
Nays	0
	APPROVED

Robert Guenther of the Buffalo Lightning spoke on locating an Arena Football Team in the City, and a discussion followed with the Council Members.

In the Administrative Update, City Administrator Nick Melson reported that leaf collection is now being done and will be done as long as weather permits, the hot asphalt plant is closed for the winter so only cold patch will be able to be used, the snow fences are up and the playgrounds are being winterized.

Council Member Grandinetti asked about refugees coming into the area, and Mayor Paul Dyster said that the City is partnering with a Not For Profit group to assist the refugees.

Chairman Touma asked if there was structural damage at the Highland Avenue Fire Hall. City Administrator Melson responded that the roof had been repaired and the asbestos abated, and bid documents are ready to go for the inside work to be done during the winter. The City is looking into work that can be done using grant funds, and a Presentation will be made to the Council within the next month.

Chairman Touma asked about the progress of the Tree Program. Director of Public Works John Caso reported that 21 trees have been removed and there are 21 left to be removed, and the City Forestry workers are planting new trees.

Council Member Tompkins noted the cracked concrete at the LaSalle Library, and Civil Engineer Robert Buzzelli responded that there was a one year warranty on the work by the contractor.

Council Member Tompkins also inquired about the work on the water lines on Independence Avenue, and Mr. Buzzelli said that the work would be done this year. Council Member Tompkins complimented the DPW crews for the work done on leaf removal.

Chairman Touma asked about the next Phase for the parking meters, and City Administrator Melson said that the City is looking into bringing in a Consultant. A discussion followed.

Council Member Grandinetti asked if the Ordinance relating to Vacation Homes was ready, and Corporation Counsel Craig Johnson said that the draft of the Ordinance was waiting for input from Planning.

Chairman Touma asked if the Hamister Hotel Project was on schedule, and Mayor Dyster replied that it was. Mayor Dyster also reported that a discussion was scheduled on the WonderFalls Project, the Double Tree Hotel was nearing completion, and the lease for the Train Station was signed this morning. Council Member Grandinetti asked about a Grand Opening Ceremony for the Train Station, and the Mayor said that it has not yet been scheduled.

Council Member Grandinetti questioned the payment to the Water Board for Hydrant Maintenance (Agenda Item #4), and she was informed that the matter is still under discussion for the 2016 payment.

City Administrator Melson explained the City Hall security upgrade (Agenda Item #5).

City Administrator Melson also spoke on Agenda Item #6, relative to the purchase of mobile street cameras. He explained that this is the first step in putting together a City-wide system.

Mayor Dyster thanked the Engineering Department for their work on the Trott Access Center Parking Lot Improvement Project (Agenda Item #10).

This Session ended at 5:53 PM

Chairman Touma reconvened the Meeting at 6:07 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Scott 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:

Diane Tattersall	Clover Program Blight elimination; complimented Council on good Work Session
Jamie Caldwell	Hiring City engineer; cut more money from Budget

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: STREET SWEEPER WASTE, BUFFALO FUEL CORP.

Agenda Item #1

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

TO: Buffalo Fuel Corp.
4870 Packard Rd
Niagara Falls, NY 14304

FOR: Screening of street sweeper debris and loading cleaned product into truck for transport: $ 20,620.00
Hauling cleaned product to city-designated site: $ 14,960.00
$ 35,580.00

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. One (1) bid was received.

Funds for this expenditure are available in Capital budget code H0912.

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

Yeas 5
Nays 0
APPROVED

CITY PROPERTY: 3543 FERRY AVE., RELEASE OF RESTRICTIONS OF SALE

Agenda Item #2

In April, the Community Development Department auctioned 3543 Ferry Avenue for $12,000.00. This was the first property transferred in the 2016 round of homeownership auction sales. The terms of the sale included a requirement to bring the property up to Code and to reside on the property for five years.

Community Development has been advised that the fiancée of the purchaser passed away. The purchaser had planned to move to Niagara Falls, marry and reside in the 3543 Ferry Avenue property. Those plans have now been abandoned. The original purchaser plans to sell the property to Robert Pascoal, a property owner who owns a number of rental properties in Niagara Falls. Upon sale and renovation, the property will be rented. The parties have requested a release of the restrictions requiring renovations in a certain period and requiring the property owner to reside in the property.

Some members of Council are aware of this, as the request for release of the restrictions was made by the parties to Council members.

Will the Council vote to approve the release of all restrictions on the 3543 Ferry Avenue property as presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Walker moved to Table the Communication.

Yeas 5
Nays 0
TABLED

CONTRACT: NEW YORK STATE CLEAN ENERGY STANDARD REQUIREMENTS

Agenda Item #3

Earlier this year the New York State Public Service Commission ("PSC") adopted a Clean Energy Standard (Case 15-E-0302). All electricity consumers in NY state will see rate increases starting in 2017 as a result of this order. Because the City of Niagara Falls procures power from the NY wholesale electric market, the City is directly covered by this standard and is required to purchase certain Renewable Energy Credits ("RECs") and Zero Emission Credits ("ZECs") in order to be in compliance.

At this time, the most cost efficient method of purchasing RECs is from the New York State Energy Research and Development Authority ("NYSERDA"). The City is required to give notice to NYSERDA by December 1, 2016 whether it intends to purchase these credits from NYSERDA for the 2017 compliance year.

By PSC order, The ZEC portion of the City's requirement must be sourced from NYSERDA.

It is recommended that the City Council authorize the Mayor to enter into any necessary commitments or agreements to purchase these credits.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

WATER BOARD: HYDRANT MAINTENANCE-AVAILABILITY EXPENSE, PAYMENT

Agenda Item #4

It is requested that the sum of $215,064.00 be made available to pay the Niagara Falls Water Board pursuant to agreement for making fire hydrants available to the City throughout the City and for some required maintenance.

This is an annual charge and has been paid with casino revenues. Funding is available from casino revenues which have been earmarked for that purpose.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

PURCHASE: CITY HALL SECURITY UPGRADE, ON CALL COMPUTER SOLUTIONS, INC.

Agenda Item #5

It is requested that funds be made available in order to increase security measures for City Hall. This consists of installing mobile panic buttons in numerous locations throughout the building which will alarm back to NFPD, installation of swipe access on both rear basement doors and alarming them as well as installing the equipment and programming necessary to transit all of the City Hall camera and alarm functions to NFPD to monitor. Attached (on file in the City Clerk's Office) hereto is the proposal from On Call Computer Solutions, Inc. which totals $31,299.00. On Call Computer Solutions, Inc. is proposing the equipment contained in these proposals as a sole source licensed vendor compatible with NFPD equipment.

Funding is available from casino revenues.

Will the Council find that the equipment offered by On Call Computer Solutions, Inc. is available on a sole source basis and authorize the purchase of the same?

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said he is surprised it has taken this long to secure City Hall.

PURCHASE: MOBILE STREET CAMERAS, FUNDING

Agenda Item #6

It is requested that the City proceed to purchase one (1) solar powered trailer with two (2) mini dome cameras on it and remote detection sensors together with two (2) mini pole cameras. The purpose of this acquisition is to provide portable surveillance equipment to be utilized on an as-needed basis. Attached (on file in the City Clerk's Office) hereto are various estimates which detail options available. The Superintendent of Police is recommending Option B in the proposed amount of $46,595.10.

Funding is available from casino revenues. This equipment is available from the General Services Administration acquisition list.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

D'AMELIO PARK/CENTRE COURT PARK EXERCISE STATION: NIAGARA RIVER GREENWAY COMMISSION GRANT

Agenda Item #7

With assistance from Niagara County Legislator Owen Steed and Niagara Falls City Councilman Charles Walker, the City of Niagara Falls is being awarded $25,000 in competitive Niagara River Greenway Commission funds, via the Niagara County Legislature Recreation and Tourism Ad Hoc Committee. The grant award will fund the entire cost of this project. As a condition of the grant, the City of Niagara Falls must officially accept the award via legislative action and agree to maintain the physical infrastructure placed on city property.

The exercise pad project compliments recent City of Niagara Falls improvements made to the Centre Court Park basketball court, swimming pool, and a new playground being installed in Spring 2017. The City of Niagara Falls Community Development Department will manage the execution of this project, and follow all reporting and programmatic guidelines set forth by the Niagara River Greenway Commission.

Will the Council allow the Mayor to officially accept this grant and authorize necessary agreements?

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

Yeas 5
Nays 0

APPROVED

Council Member Grandinetti thanked Legislator Owen Steed for his help in obtaining this Grant.

CONTRACT: MODERN DISPOSAL SERVICES, AMENDMENT

Agenda Item #8

The above referenced contract, awarded April 28, 2014 to Modern Disposal Services, Inc. ("Modern"), provided for a five (5) year period for refuse hauling from collection sites using wheeled carts within the City limits, and related disposal and recycling also using carts.

Since that time it has been determined that certain revisions to the agreement are desirable based on citizen comments regarding the bulk collection program.

Modern has provided a quote in the amount of $91,732.58 per year to provide for the collection of one (1) bulk item per family unit per week. This quote is subject to any further program adjustments to the current bulk collection program.

Currently, the contract provides for a single bulk item to be picked up during the first full week of each month. Additionally, the current contract also provides for five additional bulk item collections (three for spring cleanup and two for fall cleanup) whereby residents are able to dispose of up to six items per unit. The scheduled cost of the five additional bulk item collections for 2017 is $50,165.93.

My administration is proposing the adoption of a weekly single-item bulk collection pickup and a single pickup for spring and fall cleanup. Funding for this proposal is already in place in the 2017 proposed budget.

It is the recommendation of the administration that the City adopt these changes.

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

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

Yeas 5
Nays 0

APPROVED

Chairman Touma said residents will be able to put out 1 bulk item per week & this change is long overdue.

CONTRACT: 2016 DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT, MARK CERRONE

Agenda Item #9

A contract for the above referenced project was awarded to Mark Cerrone, Inc. on April 18, 2016 in the amount of $378,957.00.

Due to the resilience of the castings used in constructing drainage basins and manholes, it is the City's specified intent to re-use existing catch basin frames, grates and covers throughout the course of the project. It is also specified in the contingency item section and the detailed specifications that castings found in damaged or un-reusable condition will be replaced as required at existing contract unit costs. To that end, it is the request of the undersigned to add a not-to-exceed amount of $20,000.00 (± 5.3%) for replacement frames, grates and/or manhole covers to the contract. This will bring the contract total to $398,957.00. Please note that this funding is available through reimbursable CHIPS funding.

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

Yeas 5
Nays 0

APPROVED

CONTRACT: JAMES F. TROTT ACCESS CENTER PARKING LOT IMPROVEMENT PROJECT, LOUIS DELPRINCE & SONS, INC.

Agenda Item #10

The following were the result of bids received on November 22, 2016 for the above referenced project:

CONTRACTOR	BASEBID
Louis DelPrince and Sons, Inc. 580 Cayuga Road Cheektowaga NY 14225	$409,475.00
Millennium Construction, Inc.	$426,359.00
Scott Lawn Yard, Inc.	$428,824.00
Nova Site Contracting, Inc.	$430,880.00
NFP & Sons, Inc.	$468,861.50
Pinto Construction, Inc.	$497,863.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Louis DelPrince & Sons, Inc. at their total bid of $409,475.00. Funding is available in code H1312.

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

Council Member 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

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #11

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2017 to December 31, 2018.

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

Thomas Ewing	NFPD
Cynthia McClellan-Smith	City Clerk's Office
Nicholas A. Melson	Administration
Gary Bevilacqua	4290 Riverwalk Dr. S., Ygstn, NY 14174
Angela J. Bray	3050 Orleans Ave., NF, NY 14303
Denise Garlitz	2249 Grand Ave., #1, NF, NY 14301
Lynda Grozio	640 73rd Street, NF, NY 14304
Karen Quarantillo	787 Raymond Dr., Lewiston, NY 14092
Ida P. Seright	2736 21st St., NF, NY 14305
Paige Treat	6870 Sy Rd., NF, NY 14304
Morgan Yamonaco	7000 Deborah Lane, NF, NY 14304

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

CITY PROPERTY: 1609 MICHIGAN AVE., SALE

Agenda Item #12

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $500.00. This property was approved for sale by the Planning Board. Attached (on file in the City Clerk's Office) hereto is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas	5
Nays	0
	APPROVED

CITY PROPERTY: 1312 MICHIGAN AVE., SALE

Agenda Item #13

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $500.00. This property was approved for sale by the Planning Board. Attached (on file in the City Clerk's Office) hereto is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas	5
Nays	0
	APPROVED

CLAIM: TIGHE, PATRICK

Agenda Item #14

Date Claim Filed:	August 24, 2016
Date Action Commenced:	N/A
Date of Occurrence:	August 19, 2016
Location:	1439 100th Street
Nature of Claim:	damaged vehicle when backing out of driveway into the road due to the road being dug up for repaving
Status of Action:	Claim stage.
Recommendation/Reason:	Best interest of City to pay claim
Amount to be Paid:	$1450.11
Make Check Payable to:	Patrick Tighe
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yeas 5
Nays 0
APPROVED

CLAIM: SHELEY, KENNETH

Agenda Item #15

Date Claim Filed:	April 11, 2016
Date Action Commenced:	N/A
Date of Occurrence:	April 6-7, 2016
Location:	Alley behind 3317 D Street
Nature of Claim:	Fence damage sustained during alley grading
City Driver:	David Robertson
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$362.88
Make Check Payable to:	Kenneth Sheley
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: STYBAK, RICHARD C.

Agenda Item #16

Date Claim Filed:	March 14, 2016
Date Action Commenced:	N/A
Date of Occurrence:	January 15, 2016
Location:	2737 South Avenue
Nature of Claim:	Property damage sustained from fallen tree limb
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1300.00
Make Check Payable to:	Richard C. Stybak
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yeas 5
Nays 0
APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 6:25 P.M.

Carol A. Antonucci
City Clerk

The first session of the December 12, 2016 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:08 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Sandra Peploe.

Council Member Walker moved to approve the Minutes from the Special Budget Meeting of November 23 and the Council Meeting of November 28, 2016.

Yeas	5
Nays	0
	APPROVED

Jeanne Leccese, Executive Director of the Niagara River Greenway Commission, spoke on the 2017 priorities of the Commission, and the funding criteria.

Brooke D'Angelo, Coordinator of the SWEET Team, gave updates regarding bulk pickups and dumping permits. City Administrator Nick Melson thanked the Council for their support of the SWEET Program.

Anthony Vilardo, Director Business Development, spoke on the history of the property at 324 Niagara Street and the proposed plan for development of the property (Agenda Item #4). He also addressed the $750,000 CFA Grant that was received for the Niagara//Seventh Street area.

City Administrator Melson advised that work on the water lines on Independence Avenue is underway and should be completed this week.

Corporation Counsel Craig Johnson addressed Agenda Item #2 from the November 28, 2016 Council Meeting regarding the release of restrictions on property at 3543 Ferry Avenue from the Community Development Auction that was tabled.

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

Yeas	5
Nays	0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

Council Member Walker moved to amend the Item to disregard the terms and conditions listed on the original Agenda Item, and allow the City to purchase the property back.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

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

Yeas	5
Nays	0

MOTION TO ADD ITEM TO AGENDA APROVED

The Item was added to the Agenda as #11

Council Member Walker questioned additional funding for a Consulting Engineer (Agenda Item #5), and Mayor Paul Dyster responded that this was for evaluating building conditions, and the work could not be done in-house.

Chairman Touma asked about putting GPS systems in DPW trucks, and City Administrator Melson said this would be done. Council Member Grandinetti asked if funding was available for CitiStat, and City Administrator Melson replied that he was looking into a funding source.

This Session ended at 6:00 PM

Chairman Touma reconvened the Meeting at 6:17 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Tompkins 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:

Harvey Albond	Agenda Item #9
Ron Anderluh	Agenda Items #5, #9
Harvey Albond	Loss of economic development/jobs/population
Nicholas Baio	Tesla achievements; World's Fair
Pastor Timothy Brown	Road conditions on Calumet Ave. on Sunday
Jamie Caldwell	Streets not maintained according to posted signs; Timing of water line work on Independence Ave.; Need to take care of infrastructure
Jockline Pryor	Can't get answers

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF NOVEMBER 2016

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: HYDE PARK GOLF COURSE, ADVERTISING SIGNAGE, AGREEMENT EXTENSION

Agenda Item #2

On October 1, 2012 the City Council approved a request to allow a licensee to sell advertising signage at the Hyde Park Golf Course on the tee boxes for a three (3) year period of time in exchange for a payment to the City in the amount of $4,000.00. This Agreement was subsequently amended in June of 2013 to include a sign board near the Club House at Hyde Park Golf Course. The fee to be paid to the City by the licensee for this additional sign board is a fee equal to 25% of the gross amount received by the licensee each year or from time-to-time depending on the licensee's agreement with an advertiser. This resulted in a fee of $1,500.00 paid to the City.

The basic Agreement contains a three (3) year renewal provision on the same terms with a cost of living adjustment ("COLA"). The Director of the Department of Public Works is recommending an extension. It is therefore requested that the Agreement, as amended, be extended for the golf season of 2016, 2017 and 2018, to expire in November 2018. The base amount to be paid by licensee to the City with the COLA increase is $4,157.57. The fee to be paid by the licensee for the additional sign board will be the same as it presently is, which is 25% of the gross revenues received by the licensee each year, or from time-to-time from an advertiser. The total amount of $4,157.57 will be paid by the licensee to the City upon execution of this agreement.

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

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

Yeas 5
Nays 0
APPROVED

LEASE: LEASED VEHICLES, BUYOUT

Agenda Item #3
THIS ITEM WAS PULLED FROM THE AGENDA
NO ACTION TAKEN ON THIS ITEM

CITY PROPERTY: SALE, 324 NIAGARA STREET

Agenda Item #4

324 Niagara Street housed the former Press Box restaurant. The property is a three story commercial building on the north side of Niagara Street, with a tavern/restaurant on the ground floor and apartments on the second and third floor. The parcel has approximately 22 feet of frontage by 99 feet deep and is identified as SBL No. 159.37-1-15.

The City acquired the property in December, 2015 through the in rem process. An RFP was issued by the City.

The property is proposed to be sold to Savarino Companies, LLC, Buffalove Development, LLC and Community Beer Works for $10,000.00. The conveyance will be to an entity established by the purchasers.

The proposed purchasers submitted a proposal outlining a very rapid development timeline for the site, with up to $1.5 Million in investment and a targeted opening date of July 4, 2017. The sale was approved by the Planning Board on November 30, 2016. A copy of the Planning Board recommendation is attached hereto (on file in the City Clerk’s Office).

While an RFP was issued, this does not qualify as sale at public auction. Therefore, the Council should find pursuant to City Charter §59 that “the best interest of the city shall be subserved by dispensing with a sale at public auction, and the same shall be so decided by a majority vote of the Council.”

Will the Council vote to find that the best interest of the city shall be subserved by dispensing with a sale at public auction, to approve the sale presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

Chairman Touma said this is an example of economic development and will result in an increase of Property Tax Revenue.

CONTRACT: ENGINEERING SERVICES, CLARK PATTERSON LEE, ADDITIONAL FUNDING

Agenda Item #5

There is approximately $20,000.00 remaining in the funding for engineering services for CPL which was previously approved. There is now a need for two (2) additional projects to be undertaken by CPL and it is anticipated that an additional $40,000.00 will be required for this purpose. The projects are identified as an environmental assessment of the 1364 Center Avenue building, otherwise known as the Community Center, as well as the design of an emergency generator at the Department of Public Works.

It is therefore requested that an additional $40,000.00 be made available for this purpose. Funding is available from casino revenues.

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

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

Yeas	5
Nays	0
	APPROVED

POLICE DEPT.: DIVISION OF CRIMINAL JUSTICE SERVICES GRANT

Agenda Item #6

The Superintendent of Police advises that the City has been awarded a grant in the amount of $66,750.00 pursuant to the Federal fiscal year 2016 STOP Violence Against Women grant program. The grant period for this final year of the three (3) year award is January 1, 2017 to December 31, 2017.

Attached hereto (on file in the City Clerk’s Office) is a copy of a communication from DCJS in this regard. These grant dollars fund the NFPD Domestic Violence Advocate on staff.

Will the Council approve acceptance of this grant and authorize the Mayor to execute any documents required to obtain the grant provided the same are in form and content acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

PURCHASE: SWIFT WATER RESCUE EQUIPMENT, NFFD

Agenda Item #7

The fire chief is recommending that the City purchase new swift water rescue equipment for use by the NFFD. He advises that the current equipment is approaching the end of its useful life. The department is often called upon to assist in swift water rescues near the Falls and having the best and most updated equipment available is important to all concerned. The sum of $10,000.00 is requested for this purpose.

Funding is available from casino revenues.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

Chairman Touma said this was budgeted in 2016 as a Capital Improvement.

COMMUNITY DEVELOPMENT DEPT.: STATE AND MUNICIPAL FACILITIES PROGRAM GRANT, HIGHLAND COMMUNITY PARK

Agenda Item #8

The City of Niagara Falls is being awarded $75,000 competitive New York State Dormitory Authority State and Municipal Facilities Program (SAM) grant for the Highland Community Park Project.

Per SAM grant program guidelines, the City of Niagara Falls, via the Community Development Department, will coordinate a public participation process, then plan and execute a park/public garden project in 2017. The City Council will have the opportunity to review and act on any subsequent construction or purchased project components.

As a condition of the grant, the City of Niagara Falls must officially accept the award via legislative action.

Will the Council allow the Mayor to officially accept this grant and authorize necessary agreements?

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

Yeas	5
Nays	0
	APPROVED

Chairman Touma said he is looking forward to the completion of this Project.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE ASSESSOR

HOMESTEAD & NON-HOMESTEAD PROPORTIONS

Agenda Item #9

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 2017 tax levy:

	City of Niagara Falls
Homestead	52.81316
Non-Homestead	47.18684

This calculation represents a 10% shift to the homestead class.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: WINTER, PAUL

Agenda Item #10

Date Claim Filed:	July 29, 2016
Date Action Commenced:	N/A
Date of Occurrence:	May 14, 2016
Location:	Near Intersection of 1st Street and Niagara Street
Nature of Claim:	Automobile damage sustained in collision with City vehicle
City Driver:	Micah Carey
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$3,397.27
Make Check Payable to:	Paul Winter
Conditions:	General Release to City approved by Corporation Counsel.

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

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

Yeas	5
Nays	0

APPROVED

CITY PROPERTY: 3543 FERRY AVENUE, SALE

Agenda Item #11

In April, the Community Development Department auctioned 3543 Ferry Avenue for $12,000.00. This was the first property transferred in the 2016 round of homeownership auction sales. The terms of the sale included a requirement to bring the property up to Code and to reside on the property for five years.

Community Development has been advised that the fiancée of the purchaser passed away. The purchaser had planned to move to Niagara Falls, marry and reside in the 3543 Ferry Avenue property. Those plans have now been abandoned. The original purchaser plans to sell the property to Robert Pascoal, a property owner who owns a number of rental properties in Niagara Falls. Upon sale and renovation, the property will be rented. The parties have requested a release of the restrictions requiring renovations in a certain period and requiring the property owner to reside in the property.

Some members of Council are aware of this, as the request for release of the restrictions was made by the parties to Council members.

Will the Council vote to approve the release of all restrictions on the 3543 Ferry Avenue property as presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 6:50 P.M.

Carol A. Antonucci
City Clerk

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