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JANUARY 8, 2007

**ORGANIZATIONAL MEETING**

**NIAGARA FALLS, NEW YORK**

Council Member Charles A. Walker called the January 8, 2007 Organizational Meeting of the Niagara Falls City Council to order at 4:02 p.m. in the Council Chambers.

Present: Council Members Robert Anderson Jr., Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Chairman Walker opened the floor for nominations for Council Chairman. Council Member Rotella nominated Council Member Anderson, and Council Member Fruscione seconded the nomination. There were no further nominations, and all Council Members voted "Yea" for Council Member Anderson. Chief City Court Judge Mark Anthony Violante administered the Oath of Office to Chairman Anderson.

Council Member Robins moved to approve the Minutes from the City Council Meeting of December 18, 2006.

Yeas	5
Nays	0

APPROVED

Mayor Anello congratulated Chairman Anderson, and asked if the Council Members had any questions. Council Member Robins asked that the Administration start to work now with the Council on plans for spending Casino funds to be received in 2007. The Mayor agreed, and said that the Controller should also be involved in the discussions, and she will provide the Council with the status of Casino funds that have already been received.

Council Member Walker asked about the recommendation of the Court House Advisory Committee for a Contract Administrator for the Project. Mayor Anello responded that the City Engineer and the Law Department are working on a Request for Proposals for the position.

Acting Corporation Counsel Damon DeCastro informed the Council Members that he had received a Project Development Agreement from NFR today, and would be discussing it with the Council, possibly at the next Council Meeting.

Council Member Walker asked what was delaying the agreement to distribute Casino funds for the Hope VI Project (Agenda Item #15), and Mr. DeCastro asked for direction from the Council as to terms to be included in the agreement. A lengthy discussion followed.

This Session ended at 4:40 p.m.

Chairman Anderson reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Marjorie Gillies  
Bill MacKay  
Mayor Vincenzo V. Anello

Agenda Item #14  
Agenda Item #8  
Congratulated Council Chairman  
Anderson and thanked Council  
Chairman Walker.

The following was RECEIVED AND FILED:  
Agenda Item #1  
Claims Report for December, 2006.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: JANITORIAL SUPPLIES, HARPOR PAPER COMPANY, DOBMEIER JANITORIAL,  
CENTRAL POLY, NIAGARA SUPPLY CORPORATION

Agenda Item #2

RE: Janitorial Supplies, Bid #41-06  
We respectfully request you award the above referenced bid as follows:  
TO: Harpor Paper Company  
2403 Hyde Park Blvd.  
Niagara Falls, NY 14305  
FOR: Items: 1, 6, 9, 10, 13, 14, 15, 19, 21-25, 32, 33 and 37 per the  
attached tally sheet.  
TO: Dobmeier Janitorial  
354 Englewood Avenue  
Buffalo, NY 14223  
FOR: Items: 1-4, 7, 17, 18, 27, 30, 31, 34-36 and 38 per the attached tally  
sheet.  
TO: Central Poly  
18 Donaldson Place  
Linden, NJ 07036  
FOR: Items 26, 28 and 29 per the attached tally sheet.  
TO: Niagara Supply Corporation  
4825 Tomson Avenue  
Niagara Falls, NY 14304  
FOR: Items 8, 11, 12, 16 and 20 per the attached tally sheet.  
The City Purchasing Agent certifies that all bids were solicited in  
accordance with Section 103 of the General Municipal Law.  
Notice that bids were to be received was advertised in the Niagara  
Gazette and bids were sent to Nine (9) vendors. Seven (7) bids were received.  
The above referenced companies submitted the lowest bids to meet our  
specifications for each respective item.  
Council Member Fruscione moved that the communication be received and  
filed and the communication approved.  
Yeas 5  
Nays 0

APPROVED

CITY MARSHALS, REAPPOINTMENT

Agenda Item #3

RE: Approval of reappointment of City Marshals to terms expiring on December 31, 2008

In 2006 the City Council designated Mt. Eugene Ochal and Mr. Frederick Pucci with terms expiring on December 31, 2006. It is recommended that these two individuals be reappointed to terms expiring on December 31, 2008.

They will continue to provide satisfactory insurance coverage naming the City as Additional Insured and their remuneration will continue to be limited to the fees that they collect for service of process.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: VIDEO SERVICES, CGI COMMUNICATIONS, INC.

Agenda Item #4

RE: Approval of contract for video services related to the City's website to CGI Communications, Inc.

Attached (on file in the City Clerk's Office) is a proposed Agreement with CGI Communications, Inc. to provide video services related to the City's website.

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

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

Yeas

0

Nays

5

DEFEATED

LIBRARY BOARD, APPOINTMENT

Agenda Item #5

RE: Approval of appointment of Dolores Marino to the Library Board

I hereby appoint Dolores Marino to the Library Board effective January 1, 2007 to replace the expired term of Kenneth Hamilton.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

EXEMPT EMPLOYEES, RAISES

Agenda Item #6

RE: Approval of 3% salary increase for exempt employees for the year 2007

Exempt employees have not received any salary increases since 2004. I therefore propose that exempt employees receive a 3% increase for 2007. This would be in line with the recently negotiated Union contracts. The schedule attached (on file in the City Clerk's office) shows the raises by position together with FICA.

Will the Council so approve and vote to amend the budget in these amounts?

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

Yeas

5

Nays

0

APPROVED

CITY COUNCIL, CONSULTING SERVICES

Agenda Item #7

RE: Approval for Morton Abramowitz to provide consulting services to the City Council

Attached (on file in the City Clerk's Office) is a proposed Agreement for Morton Abramowitz to provide consulting services to the City Council.

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

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

Yeas

5

Nays

0

APPROVED

FIRE DEPARTMENT, TEMPORARY POSITION, LIFE SAFETY EDUCATION

Agenda Item #8

RE: Approval of temporary position in the Fire Department to provide Life Safety Education

The Community Development Department is providing a grant to the Fire Department to deliver Life Safety Education in the community. The Fire Chief has determined that the most appropriate method of using the grant would be to fund a temporary position at a salary of \$28,000 annually plus benefits. The full costs are set forth on the attached (on file in the City Clerk's Office) worksheet. This position would be budgeted under Fire Prevention and the revenue would come from account A.0000.2801.CD.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL OF RESOLUTION 2006-137

Agenda Item #9

RE: Mayor's Approval of Resolution 2006-137

Please be advised that on December 28, 2006 Mayor Vincenzo V. Anello duly approved Resolution 2006-137, relative to amending Chapter 1121 of the Codified Ordinances entitled "Signs and Billboards".

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: DR. MARTIN LUTHER KING, JR., HONORING, 2007-1

Agenda Item #10

RELATIVE TO HONORING DR. MARTIN LUTHER KING, JR.

- BY: Council Chairman Charles A. Walker
- Council Member Robert Anderson, Jr.
- Council Member Samuel Fruscione
- Council Member Chris Robins
- Council Member Lewis Rotella

WHEREAS, "You can't separate peace from freedom, because no one can be at peace unless he has his freedom;" and

WHEREAS, Dr. Martin Luther King, Jr. was the principal leader of the civil rights movement during the 1950's and 1960's and as such, eloquently expressed the need for social justice for America's minority population; and

WHEREAS, Dr. Martin Luther King, Jr. was honored for his nonviolent civil rights activism with the 1964 Nobel Peace Prize; and

WHEREAS, in spite of Dr. King's emphasis on nonviolence, he became the target of violence which took his life on April 4, 1968; and

WHEREAS, on Monday, January 15<sup>th</sup>, 2007, the birthday of Dr. Martin Luther King, Jr. will be officially observed by the City of Niagara Falls, New York.

NOW THEREFORE BE IT RESOLVED by the City Council of Niagara Falls, New York that we hereby honor the memory of Dr. Martin Luther King, Jr.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: NIAGARA FALLS PLANNING BOARD, REAPPOINTMENT, 2007-2

Agenda Item #11

RELATIVE TO REAPPOINTMENT OF GERALDINE DONOVAN TO THE NIAGARA FALLS PLANNING BOARD

- BY: Council Chairman Charles A. Walker
- Council Member Robert Anderson, Jr.
- Council Member Samuel Fruscione
- Council Member Chris Robins
- Council Member Lewis Rotella

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Planning Board effective immediately for the expiration date, which appears opposite their name:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
Geraldine Donovan	12/31/2009
9339 Champlain Avenue	
Niagara Falls, NY 14304	

Yeas	5
Nays	0

ADOPTED

RESOLUTION: NIAGARA FALLS PLANNING BOARD, APPOINTMENT, 2007-3

Agenda Item #12

RELATIVE TO APPOINTMENT OF JOHN MCNAB TO THE NIAGARA FALLS PLANNING BOARD

- BY: Council Chairman Charles A. Walker
- Council Member Robert Anderson, Jr.
- Council Member Samuel Fruscione
- Council Member Chris Robins
- Council Member Lewis Rotella

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Planning Board effective immediately for the expiration date, which appears opposite their name:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
John McNab	12/31/2009
1308 Niagara Street	
Niagara Falls, NY 14303	

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: TRAFFIC ADVISORY BOARD, REAPPOINTMENTS, 2007-

Agenda Item #13

RELATIVE TO REAPPOINTMENTS TO THE TRAFFIC ADVISORY BOARD

- BY: Council Chairman Charles A. Walker
- Council Member Robert Anderson, Jr.
- Council Member Samuel Fruscione
- Council Member Chris Robins
- Council Member Lewis Rotella

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

RESOLUTION: NIAGARA BEAUTIFICATION COMMISSION DECORATE NIAGARA AND HOME HOLIDAY CONTEST, 2007-4

Agenda Item #14

RELATIVE TO THE NIAGARA BEAUTIFICATION COMMISSION DECORATE NIAGARA AND HOME HOLIDAY CONTEST

BY: Council Chairman Charles A. Walker  
Council Member Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella

WHEREAS, the Niagara Beautification Commission held a holiday decorating contest in 2006 and has announced the following winners:

DECORATE NIAGARA:

Niagara Community Action Program, Inc.  
The Jefferson  
The Red Coach Inn  
The Crowne Plaza Hotel

HOME HOLIDAY DECORATING CONTEST:

Citywide (tied): The Scibilia Family, 627 - 69<sup>th</sup> Street  
The Hanson Family, 631 - 69<sup>th</sup> Street  
DeVeaux: The Bianco Family, 504 College Ave.  
The North End: The Skowronski Family, 2002 Independence Ave.  
The South End: The Veihdeffer Family, 1727 MacKenna Ave.  
Hyde Park: The Winchell Family, 3562 Sherwood Ave.  
LaSalle: The Bellreng Family, 1242 - 94<sup>th</sup> Street

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the Niagara Beautification Commission and all their honorees.

Council Chairman Anderson moved to amend the Resolution by changing the winner in DeVeaux from the Fasari & Kutis Family to the Bianco Family.

Yeas 5  
Nays 0

MOTION TO AMEND APPROVED

Council Member Robins moved to adopt the Resolution as amended.

Yeas 5  
Nays 0

ADOPTED AS AMENDED

Council Member Robins noted that a number of homes were decorated.

RESOLUTION: HOPE VI REDEVELOPMENT PROJECT, CASINO FUNDS, DISTRIBUTION, 2007-5

Agenda Item #15

RELATIVE TO DISTRIBUTION OF CASINO FUNDS FOR HOPE VI REDEVELOPMENT PROJECT

BY: Council Chairman Charles A. Walker

WHEREAS, \$3 million dollars of the City's Casino revenue has been designated to the support of the Center Court Hope VI Project; and

WHEREAS, the Housing Authority has requested that the City disburse the \$3 million to it.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it requests the administration to submit an agreement with the Housing Authority with the terms discussed at the 4:00 p.m. meeting to disburse these funds to the Council for approval as soon as possible.

Council Chairman Anderson moved to amend the Resolution by adding the terms discussed at the 4:00 p.m. meeting to the agreement.

Yeas 5  
Nays 0

MOTION TO AMEND APPROVED

Council Chairman Anderson moved to adopt the Resolution as amended.

Yeas 5  
Nays 0

ADOPTED AS AMENDED

RESOLUTION: AMEND CITY CHARTER RELATIVE TO AMENDING ARTICLE VIII ENTITLED "TAXATION AND ASSESSMENT" BY ADDING A NEW SECTION 201 B ENTITLED "ENACTMENT OF EXEMPTION OF CAPITAL INVESTMENT IN MULTIPLE DWELLING BUILDINGS PURSUANT TO SECTION 421-J OF THE NEW YORK REAL PROPERTY TAX LAW", PUBLIC HEARING, 2007-6

Agenda Item #16

RELATIVE TO AMENDING THE CITY CHARTER RELATIVE TO AMENDING ARTICLE VIII ENTITLED "TAXATION AND ASSESSMENT" BY ADDING A NEW SECTION 201 B ENTITLED "ENACTMENT OF EXEMPTION OF CAPITAL INVESTMENT IN MULTIPLE DWELLING BUILDINGS PURSUANT TO SECTION 421-J OF THE NEW YORK REAL PROPERTY TAX LAW"

BY: Council Chairman Charles A. Walker  
Council Member Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella

RESOLVED, that Local Law No. \_\_\_\_ for the year 2007 be introduced, and that a public hearing be held on such Local Law on the 22nd day January, 2007 at 7:00 P.M. Eastern 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 entitled "Taxation and Assessment" by adding a new Section 201-b entitled "Enactment of exemption of capital investment in multiple dwelling buildings pursuant to Section 421-j of the New York Real Property Tax Law".

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: AMEND CITY CHARTER RELATIVE TO AMENDING ARTICLE VIII ENTITLED "TAXATION AND ASSESSMENT" BY ADDING A NEW SECTION 201-C ENTITLED "ENACTMENT OF RESIDENTIAL INVESTMENT EXEMPTION PURSUANT TO SECTION 485-J OF THE NEW YORK REAL PROPERTY TAX LAW", PUBLIC HEARING, 2007-7

Agenda Item #17

RELATIVE TO AMENDING THE CITY CHARTER RELATIVE TO AMENDING ARTICLE VIII ENTITLED "TAXATION AND ASSESSMENT" BY ADDING A NEW SECTION 201-C ENTITLED "ENACTMENT OF RESIDENTIAL INVESTMENT EXEMPTION PURSUANT TO SECTION 485-J OF THE NEW YORK REAL PROPERTY TAX LAW"

BY: Council Chairman Charles A. Walker  
Council Member Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella

RESOLVED, that Local Law No. \_\_\_\_ for the year 2007 be introduced, and that a public hearing be held on such Local Law on the 22nd day of January, 2007 at 7:00 P.M. Eastern 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 entitled "Taxation and Assessment" by adding a new Section 201-c entitled "Enactment of residential investment exemption pursuant to Section 485-j of the New York Real Property Tax Law".

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, DESIGNATION, 2007-8

Agenda Item #18

RELATIVE TO DESIGNATING THE NIAGARA GAZETTE AS THE OFFICIAL NEWSPAPER  
BY: Council Chairman Charles A. Walker

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

BE IT FURTHER RESOLVED, that this designation shall be in effect for the year 2007, but such designation shall not thereafter lapse until superseded.

Yeas	4
Fruscione, Robins, Walker, Anderson	
Nays	1
Rotella	

ADOPTED

Council Member Rotella would like to see other newspapers included.

RESOLUTION: INVESTMENT POLICY, ADOPTION OF, 2007-9

Agenda Item #19

RELATIVE TO ADOPTION OF INVESTMENT POLICY FOR THE CITY OF NIAGARA FALLS  
BY: Council Chairman Charles A. Walker

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

WHEREAS, the objectives of the investment policy are:

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

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

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

Yeas	5
Nays	0

ADOPTED

Chairman Anderson thanked Council Member Walker for his service as Chairman and thanked all the Council Members for supporting him for Chairman.

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 7:15 p.m.

Carol A. Antonucci  
City Clerk



JANUARY 22, 2007

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The first session of the January 22, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of January 8, 2007.

Yeas	5
Nays	0

APPROVED

Sam Ferraro, Commissioner of the Niagara County Department of Economic Development and the Niagara County Industrial Development Agency, gave a presentation updating the Council on the Niagara River Greenway Commission. The Commission does not agree with the current draft proposal for the project, and believes that the recommended boundaries should be expanded.

In his Administrative Update, Mayor Anello thanked Mr. Ferraro for his presentation, and said that he had been meeting with the Council Chairman, and would like to establish Council Committees to learn more about the day to day operations of the various City Departments. The Mayor addressed the following Agenda Items:

1. Agenda Item #6 - the Operating Engineer in the Public Works Department performs many different duties, and is needed for the entire year.
2. Agenda Item #8 - the Foreman positions need to be upgraded to compensate for additional duties and responsibilities.
3. Agenda Item #9 - the Operations Foreman position needs to be reinstated to provide needed supervision.
4. Agenda Item #10 - all the overtime in the Forestry Division has already been spent due to the ice storm. City Controller Maria Brown said that the Fund Balance will be more than adequate for this expenditure, and, per Council Member Rotella's request, she will provide an itemized list for the \$40,000 to be spent on "undesignated services" in this Agenda Item. The Mayor also addressed Chairman Anderson's questions on the work done by City crews and the private contractor hired by the City to do forestry work.

Mayor Anello stated that the Council was "gracious" to consider raising the salary of the Mayor, but, at the same time, the Council needed to fund the members of the Mayor's team, specifically, by funding a position for Economic Development. Council Member Rotella said that the Council will fund the position when an individual with the proper credentials is proposed to be hired.

Council Member Walker questioned the difference in the amounts of the bids received for Asbestos Abatement (Agenda Item #3), and Director of Inspections Guy Bax said that he did not have an explanation, and the bid prices were for the asbestos abatement only, and did not also include demolition.

Council Members Robins and Rotella questioned the amount of time it takes for equipment to be delivered to the City after a bid is awarded, and Purchasing Agent Dean Spring addressed these concerns.

Deputy Corporation Council Thomas O'Donnell distributed copies of a Resolution to be added to the Agenda relative to calling for a Public Hearing to be held on the proposed acquisition of property for the Public Safety Municipal Complex.

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

Yes 5  
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #24.

This Session ended at 4:55 p.m.

Chairman Anderson reconvened the Meeting at 7:02 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 Anderson announced a Special Order of Business, a Public Hearing relative to amending Article VIII of the City Charter entitled "Taxation and Assessment" by adding a new section 201-B entitled "Enactment of Exemption of Capital Investment in Multiple Dwelling Buildings Pursuant to Section 421-J of the New York Property Tax Law", and asked if there were any speakers relative thereto. The following spoke.

Norma Higgs In favor of.

Chairman Anderson announced another Special Order of Business, a Public Hearing relative to amending Article VIII of the City Charter entitled "Taxation and Assessment" by adding a new section 201-C entitled "Enactment of Residential Investment Exemption Pursuant to Section 485-J of the New York Real Property Tax Law", and asked if there were any speakers relative thereto. The following spoke:

Norma Higgs In favor of.

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

Ken Hamilton	Agenda Items #15,18,19
Rev. Fred Chambers	Agenda Item #18
Frank Soda	Agenda Item #18
Jeff Paterson	Agenda Item #18
Gary DiLaura	Thanked the Council for addressing concerns of LaSalle residents; prices paid by NFR for properties.
Arthur Garabedian	NFR takeover of properties.
Bill MacKay	Commended City workers for their hard work during the ice storm and spoke about the firefighters test to be held in June and training that will be offered for those taking the test.
Ken Hamilton	Funding for the Library and Police Officer minorities.
Rev, Fred Chambers	Spoke about conditions on 7 <sup>th</sup> Street.

The following was RECEIVED AND FILED:  
Agenda Item #1  
City Clerk's Report for December, 2006.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: NIAGARA ARTS AND CULTURAL CENTER, NIACAP, NIAGARA BEAUTIFICATION COMMISSION, NIAGARA FALLS BLOCK CLUB COUNCIL

Agenda Item #2

RE: Approval of recommendation to award contracts with the Niagara Arts and Cultural Center, NIACAP, Niagara Beautification Commission and Niagara Falls Block Club Council

The 2007 Budget contains appropriations in the amount of \$30,000 for the Niagara Arts and Cultural Center, \$22,500 for NIACAP; \$5,000 for the Beautification Commission and \$10,000 for the Niagara Falls Block Club Council.

In order to effectuate these appropriations, agreements with the respective agencies are required.

Will the Council authorize the Mayor to execute agreements in these respective amounts in forms acceptable to the Corporation Counsel?

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

Yeas 5

Nays 0

APPROVED

CONTRACT: ASBESTOS ABATEMENT, METRO CONTRACTING & ENVIRONMENTAL

Agenda Item #3

RE: Approval of recommendation to award contract for Asbestos Abatement to Metro Contracting & Environmental

The following was the result of bids received by the Department Inspections on January 16, 2007 for the abatement of the following properties:

1119 Niagara Avenue

428 - 78<sup>th</sup> Street

21 Hyde Park Blvd.

2 B Street

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Metro Contracting & Environmental	\$82,218.000
Arric Corporation	\$190,400.00

The Department of Inspections hereby requests that Metro Contracting & Environmental, being the low certified bidder, be awarded the contract at their bid price of \$82,218.00.

Funding is available through H0628.2006.0628.0449.599 in the Inspections Department.

Will the Council vote to award Asbestos Abatement Contract CNF2007-1 to Metro Contracting & Environmental as described herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5

Nays 0

APPROVED

Council Member Walker noted that the high bids were a result of State mandates.

CONTRACT: JOHN DEERE WHEEL LOADER, FIVE STAR EQUIPMENT, INC.

Agenda Item #4

RE: Wheel Loader, Bid #1-07

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

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

FOR: One (1) 2007 model John Deere wheel loader: \$163,807.00  
Less trade-in of a 1985 model Caterpillar wheel loader 21,000.00  
\$142,807.00

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids requests were sent to seven (7) vendors. The above referenced company submitted the lowest bid overall.

Funds for this expenditure are available in the 2006 Capital Budget code: HO625.2006.0625.0230.000.

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

Yeas 5  
Nays 0  
APPROVED

Council Member Rotella questioned the length of time for delivery.

COURT HOUSE PROJECT, DEVELOPER COSTS

Agenda Item #5

RE: Approval of payment of invoice for developer costs for the Court House Project

Attached (on file in the City Clerk's Office) is Invoice #9 from the Developer for \$122,876.40.

Will the Council approve the payment?

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

Yeas 5  
Nays 0  
APPROVED

DEPARTMENT OF PUBLIC WORKS, OPERATING ENGINEER, RESTORE ONE-THIRD OF SALARY

Agenda Item #6

RE: Approval to amend the 2007 Budget to restore one-third of the salary for the Operating Engineer in the Department of Public Works

The 2007 Budget reduced the Department of Public Works to two-thirds Operating Engineer positions. This necessitates the laying off of a full time Operating Engineer and because of the contracts with the Trades union any replacement would be hired from the union hall at a greater cost per hour.

Therefore, the Administration is requesting that the Council amend the 2007 Budget to add one-third of an Operating Engineer at a salary of \$14,745.56 to account A.5110.0200.0110.000, FICA of \$1,128.03 to account A.5110.0200.0810.000 and benefits of \$12,000 to account A.9020.0000.0803.000 for a total of \$27,873.59. Funding would be appropriated from the 2006 Fund Balance.

Will the Council vote to amend the 2007 Budget by appropriating this sum from the 2006 Fund Balance?

Council Chairman Anderson moved to amend the communication by changing the account code to A.5110.0200.

Yeas 5  
Nays 0  
MOTION TO AMEND APPROVED

Council Chairman Anderson moved that the communication be received and filed and the communication approved as amended.

Yeas 5  
Nays 0  
APPROVED AS AMENDED

GRANTS: LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUNDS, APPLICATION

Agenda Item #7

RE: Approval of Local Government Records Management Improvement Funds grant applications

The City is applying for two (2) grants from the Local Government Records Management Improvement Fund which is administered by the New York State Archives. Each grant is for up to \$75,000.

One grant will be to complete the microfilming and scanning of Marriage Certificates in the City Clerk's office and to microfilm and scan Worker's Compensation records in Risk Management. The second grant will be to microfilm and scan architectural drawings in the Inspections Department.

No matching funds are required for these grants.

Will the Council authorize the grant applications and authorize Sherry L. Shepherd-Corulli to submit the grants and in the event the grants are approved authorize the Mayor to execute any required grant agreements and other documentation necessary to effectuate the grants?

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

Yeas 5  
Nays 0

APPROVED

BUILDINGS AND GROUNDS, STREETS AND SANITATION, ASSISTANT FOREMAN POSITIONS, SALARY INCREASES, BUDGET AMENDMENT

Agenda Item #8

RE: Approval to amend the 2007 Budget for salary increases for Assistant Foreman-Buildings and Grounds and Assistant Foreman-Streets and Sanitation

After review it is recommended that the positions of Assistant Foreman-Buildings and Grounds and Assistant Foreman-Streets and Sanitation be increased from their current grade 17B to 19B.

This would reflect an annual salary increase for each position of \$1,565.07, plus FICA of \$60 and pension of \$125. Funds are available in the Street Construction account A.5110.0200.0442.003 for the Streets and Sanitation position and in account A.7146.0200.0444.000 for the Buildings and Grounds position.

Will the Council so approve?

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

Yeas 1  
Fruscione  
Nays 4  
Robins, Rotella, Walker, Anderson

DEFEATED

PARKS AND PUBLIC WORKS, OPERATIONS FOREMAN POSITION, CREATION OF, BUDGET AMENDMENT

Agenda Item #9

RE: Approval to amend the 2007 Budget to recreate the Operations Foreman position

The 2007 Budget adopted by Council eliminated the Operations Foreman position.

This position is very important to the proper functioning of work flow in the Parks and Public Works areas.

The Administration requests the Council amend the 2007 Budget to recreate the position at an annual salary of \$39,518.42, plus FICA of \$3,023.15, benefits of \$16,297 and pension of \$3,161. This would be funded from the 2006 Fund Balance. This would be split between the Neighborhood Services Administration Department A.1610.0001 and Public Works Administration A.1490.0001.

Will the Council so approve?

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

Yeas 1

Walker

Nays 4

Fruscione, Robins, Rotella, Anderson

DEFEATED

Council Member Walker supported this through the Budget process and will continue to support this by voting yes.

ICE STORM, EMERGENCY APPROPRIATION OF FUNDS

Agenda Item #10

RE: Approval of emergency appropriation of \$50,000.00 from fund balance for clean up due to the ice storm

As the Council is aware the January 15<sup>th</sup> ice storm did considerable damage to trees in the City.

Trimming trees is necessary that have fallen on wires, houses and vehicles and the clean-up of downed limbs in streets. Forestry staff on both regular and overtime, together with the services of Scott Lawn are being utilized in the clean-up.

Due to the heavy work-load and cost it is requested that the Council appropriate \$50,000 from Fund Balance, \$10,000 to account A.8560.0000.0140.000 for forestry overtime and \$40,000 to the forestry miscellaneous line, account A.8560.0000.0449.599.

Will the Council so approve?

Council Member Rotella moved to amend the communication by approving only the \$10,000 for overtime.

Yeas 5

Nays 0

MOTION TO AMEND APPROVED

Council Member Robins moved that the communication be received and filed and the communication approved as amended.

Yeas 5

Nays 0

APPROVED AS AMENDED

The Council requested an itemized list for what the other \$40,000 will be used for.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: UNITRIN PREFERRED INSURANCE COMPANY, A/S/O RALPH HARDING

Agenda Item #11

RE: Request for Approval to Settle and Pay Claim of Unitrin Preferred Insurance Company a/s/o Ralph Harding  
Date Claim Filed: October 25, 2006  
Date Action Commenced: N/A  
Date of Occurrence: October 13, 2006  
Location: 1517 Niagara Avenue  
Nature of Claim: Damage to fence by City Forestry crew during tree removal  
Status of Action: Claim stage.  
Recommendation: Best interests of City to pay claim.  
Amount to be Paid: \$308.66  
Make Check Payable to: "Unitrin Preferred Insurance Company a/s/o Ralph Harding"  
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 Fruscione moved that the communication be received and filed and the communication approved.

Yeas 5  
Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CHAIRMAN OF THE EMPIRE ZONE

EMPIRE ZONE, 2007 ADMINISTRATIVE BOARD APPOINTMENTS

Agenda Item #12

RE: Approval of appointment of eight individuals to the Empire Zone Board through December 31, 2007

Pursuant to the Empire Zone Local Law approved by Council 2001, the City Council appoints eight members of the Empire Zone Board. Each appointment is for a one year period. The appointments are to be made from a list submitted to the City Council by the Empire Zone Board Chairperson.

All of the current board members wish to remain for an additional year. Accordingly, Mrs. W. Lee Whitaker, Mr. Thomas Pryce, Mr. Paul Parise, Mr. Art Ray, Sr., Mr. Abdul Labi, Mrs. Lucy Muto, Mr. Eddie Palmore and Mr. Thomas Bruss are proposed for reappointment to the Niagara Falls Empire Zone Board for 2007. Attached is a list of board members showing the areas which each member represents. Also attached are resumes for each individual.

Will the Council vote to appoint the eight individuals to the Empire Zone Board through December 31, 2007, or until appointment of replacements?

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

Yeas 5  
Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CHAIRMAN OF THE HISTORIC PRESERVATION COMMISSION

HISTORIC PRESERVATION COMMISSION, DESIGNATION OF EXTERIOR AND INTERIOR SANCTUARY AND NARTHEX, 639 MAIN ST. UNITARIAN CHURCH

Agenda Item #13

RE: Approval of designation of the exterior and the interior sanctuary and narthex of 639 Main St., the Unitarian Universalist Church

Attached (on file in the City Clerk's Office) is the report from the Niagara Falls Historic Preservation Commission recommending designation of 639 Main Street, the Unitarian Universalist Church, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the building exterior. This proposed designation was approved with the participation of the building owners.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the designation of the exterior and the interior sanctuary and narthex of 639 Main Street, the Unitarian Universalist Church, and forward the designation to the Mayor for approval, as provided by City Ordinance?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

LOCAL LAW NO. 6 FOR 2006, APPROVAL

Agenda Item #14

RE: Notice of approval of Local Law #6 for 2006

Please be advised that Local Law No. 6 for 2006, relative to authorizing the City of Niagara Falls to establish a Public Utility Service pursuant to Article 14-A of the General Municipal Law, which was adopted by Council on July 31, 2006 and duly approved by Mayor Vincenzo V. Anello on August 8, 2006 was received and filed by the New York State Department of State on December 21, 2006.

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: AMEND CITY CHARTER RELATIVE TO ARTICLE XXXIV ENTITLED "NIAGARA FALLS CABLE TELEVISION COMMISSION, PUBLIC HEARING, 2007-10

Agenda Item #15

RELATIVE TO CALLING FOR A PUBLIC HEARING TO AMEND THE CITY CHARTER RELATIVE TO ARTICLE XXXIV ENTITLED "NIAGARA FALLS CABLE TELEVISION COMMISSION"

BY: Council Chairman Robert Anderson, Jr.

RESOLVED, that Local Law No. \_\_\_\_ for the year 2007 be introduced, and that a public hearing be held on such Local Law on the 5th day of February, 2007 at 7:00 P.M. Eastern 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 XXXIV entitled "Niagara Falls Cable Television Commission" by amending Section 565 entitled "Appointment of Commission".

Yeas

5

Nays

0

ADOPTED

Council Member Fruscione said this is a good idea.

RESOLUTION: PINE AVENUE BUSINESS ASSOCIATION ANNUAL DINNER, 2007-11

Agenda Item #16

RELATIVE TO THE PINE AVENUE BUSINESS ASSOCIATION ANNUAL DINNER

- BY: Council Chairman Robert Anderson, Jr.
- Council Member Samuel Fruscione
- Council Member Chris Robins
- Council Member Lewis Rotella
- Council Member Charles A. Walker

WHEREAS, on February 24, 2007, the Pine Avenue Business Association will conduct its annual Director's Dance; and

WHEREAS, Niagara Maintenance Corporation will be honored as the Business of the Year; and

WHEREAS, Robert Marasco, of M&M Electric will be honored as the Business Person of the Year; and

WHEREAS, Frank Strangio of Antonio's Banquet and Conference Center will be the recipient of Pine Avenue's Biggest Asset Award; and

WHEREAS, Judge Angelo Morinello, Tammy Mayes, Electricians Local #347, Norma Higgs, the Niagara Falls Police Department and the Niagara Gazette will be the recipients of PABA's Community Service Award.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of Pine Avenue Business Association's 2007 Business and Community Service Awards.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: 2007 MISS NIAGARA COUNTY SCHOLARSHIP COMPETITION, 2007-12

Agenda Item #17

RELATIVE TO THE 2007 MISS NIAGARA COUNTY SCHOLARSHIP COMPETITION

- BY: Council Chairman Robert Anderson, Jr.
- Council Member Samuel Fruscione
- Council Member Chris Robins
- Council Member Lewis Rotella
- Council Member Charles A. Walker

WHEREAS, the Miss Niagara County Scholarship Competition will be held at the Niagara Falls High School on March 3<sup>rd</sup>, 2007; and

WHEREAS, the Members of Operation Pride & Progress are sponsoring this event, under the direction of Ron Anderluh, Executive Director; and President Marilyn Morreale, Vice President Candra Thomason, Secretary Cindy Trowman and Treasurer, Linda Rafferty; and

WHEREAS, this scholarship competition provides monies for local young women to use toward furthering their education, encouraging them to use their talents and platforms to serve their community for many years to come; and

WHEREAS, the Honorable Mayor Vincenzo V. Anello of the City of Niagara Falls, New York has proclaimed the week of February 24<sup>th</sup> through March 3<sup>rd</sup>, 2007 as MISS NIAGARA COUNTY SCHOLARSHIP COMPETITION WEEK.

NOW THEREFORE BE IT RESOLVED, by the Niagara Falls City Council that we recognize and applaud Operation Pride & Progress for hosting this exceptional Scholarship Program.

BE IT FURTHER RESOLVED, that we ask the citizens of Niagara Falls to join us in extending Best Wishes to each contestant, with the hope that the contestant selected to represent us in the State finals will be crowned MISS NEW YORK and ultimately crowned this areas first MISS AMERICA.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: MAYOR'S SALARY, 2007-13

Agenda Item #18

RELATIVE TO THE MAYOR'S SALARY

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

WHEREAS, the salary of the Mayor has not been increased since the revised Charter became effective in 1988; and

WHEREAS, this Council believes it is time to adjust the salary of the Mayor.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that effective January 1, 2008 the salary for the office of Mayor shall be \$78,000.00 per annum.

Council Member Robins moved to amend the Resolution by changing the salary to \$78,000.

Yeas 5  
Nays 0

MOTION TO AMEND APPROVED

Council Member Robins moved that the Resolution be received and filed and adopted as amended.

Yeas 5  
Nays 0

ADOPTED AS AMENDED

RESOLUTION: ADOPTING CHAPTER 170 OF THE CODIFIED ORDINANCES ENTITLED "COMPENSATION FOR CITY COUNCIL MEMBERS", 2007-14

Agenda Item #19

RELATIVE TO ADOPTING CHAPTER 170 OF THE CODIFIED ORDINANCES ENTITLED "COMPENSATION FOR CITY COUNCIL MEMBERS"

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

WHEREAS, the revised City Charter set the salary for Council Members at \$8,000 per year, effective January 1, 1988; and

WHEREAS, this amount has not been changed since then; and

WHEREAS, the Charter authorizes the Council to change the compensation of its members by Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 170 of the Codified Ordinances entitled "Compensation for City Council Members", is hereby enacted to read as follows:

**CHAPTER 170**

**COMPENSATION FOR CITY COUNCIL MEMBERS**

**Section 170.01** **Effective January 1, 2008, the compensation for Council Members shall be set at Twelve Thousand Dollars (\$12,000) per annum.**

Bold and Underlining indicate **Additions**.

Bold and Brackets indicate **{Deletions}**.

Yeas 5  
Nays 0

ADOPTED

Council Chairman Anderson said that Council Members work for less than minimum wage.

RESOLUTION: TRAFFIC ADVISORY BOARD, APPOINTMENT, 2007-15

Agenda Item #20

RELATIVE TO APPOINTMENT TO THE TRAFFIC ADVISORY BOARD

- BY: Council Chairman Robert Anderson, Jr.
- Council Member Samuel Fruscione
- Council Member Chris Robins
- Council Member Lewis Rotella
- Council Member Charles A. Walker

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

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Arthur Curcione	12/31/2011
3302 Walnut Avenue	
Niagara Falls, NY 14301	
284-1856	

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: TRAFFIC ADVISORY BOARD, REAPPOINTMENTS, 2007-16

Agenda Item #21

RELATIVE TO REAPPOINTMENTS TO THE TRAFFIC ADVISORY BOARD

- BY: Council Chairman Robert Anderson, Jr.
- Council Member Samuel Fruscione
- Council Member Chris Robins
- Council Member Lewis Rotella
- Council Member Charles A. Walker

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Traffic Advisory Board effective immediately for the expiration date, which appears opposite their names:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
Stanley Horab	12/31/2010
9133 Griffon Avenue	
Niagara Falls, NY 14304	
William Williamson	12/31/2011
818 Vanderbilt Avenue	
Niagara Falls, NY 14304	

Yeas	5
Nays	0
	ADOPTED

LOCAL LAW: ADDING SECTION 201-B ENTITLED "ENACTMENT OF EXEMPTION OF CAPITAL INVESTMENT IN MULTIPLE DWELLING BUILDINGS", 2007-1

Agenda Item #22

RELATIVE TO ADOPTING A LOCAL LAW AMENDING THE NIAGARA FALLS CITY CHARTER AS AMENDED, BY ADDING SECTION 201-B ENTITLED "ENACTMENT OF EXEMPTION OF CAPITAL INVESTMENT IN MULTIPLE DWELLING BUILDINGS PURSUANT TO SECTION 421-J OF THE NEW YORK REAL PROPERTY TAX LAW" OF ARTICLE VIII OF THE CHARTER, ENTITLED "TAXATION AND ASSESSMENT"

A local law to amend the Niagara Falls City Charter as amended, by adding Section 201-b entitled "Enactment of Exemption of Capital Investment in Multiple Dwelling Buildings pursuant to Section 421-j of the New York Real Property Tax Law" 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 adding Section 201-b entitled "Enactment of Exemption of Capital Investment in Multiple Dwelling Buildings pursuant to Section 421-j of the New York Real Property Tax Law" to read as follows:

**Section 201-b**

New construction of a multiple dwelling building, reconstruction, alteration, or improvement of a pre-existing multiple dwelling building or structure which is to be occupied or is occupied as a residence or home and consists of no less than four units, whether such dwelling is rented or owned as a cooperative or condominium, and is located in the City of Niagara Falls, where such construction or renovation is initiated subsequent to March 1, 2007 shall be exempt from City, School and County taxation and special ad valorem levies to the extent provided in this section.

Such buildings within the City of Niagara Falls shall be exempt for a period of one year to the extent of one hundred percent of the increase in assessed value attributable to such new construction, reconstruction, alteration or improvement and for an additional period of seven years as follows:

<u>Year</u>	<u>Exemption: Percentage of Increase in Assessed Value</u>
<u>2</u>	<u>87.5</u>
<u>3</u>	<u>75</u>
<u>4</u>	<u>62.5</u>
<u>5</u>	<u>50</u>
<u>6</u>	<u>37.5</u>
<u>7</u>	<u>25</u>
<u>8</u>	<u>12.5</u>

No such exemption shall be granted for construction, reconstruction, alteration or improvements unless:

(1) Such reconstruction, alteration or improvement was commenced subsequent to March 1, 2007; and

(2) The value of such new construction, reconstruction, alteration or improvement exceeds Fifteen Thousand Dollars per unit; and

(3) Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the State Board. The application shall be filed with the Assessor of the City of Niagara Falls on or before the appropriate taxable status date.

(4) If satisfied that the applicant is entitled to an exemption pursuant to this section, the Assessor shall approve the application and such building shall thereafter be exempt from City, School and County taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date referred to Subdivision 3 of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

(5) In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

Section 2. This local law shall take effect as provided in the Municipal Home Rule Law.

Underlining and **Bold** indicate additions.  
**Bold** and **[Brackets]** indicate deletions.

Yeas	5
Nays	0
	ADOPTED

LOCAL LAW: ADDING SECTION 201-C ENTITLED "ENACTMENT OF RESIDENTIAL INVESTMENT EXEMPTION PURSUANT TO SECTION 485-J OF THE NEW YORK REAL PROPERTY TAX LAW", 2007-2

Agenda Item #23

RELATIVE TO ADOPTING A LOCAL LAW AMENDING THE NIAGARA FALLS CITY CHARTER AS AMENDED, BY ADDING SECTION 201-C ENTITLED "ENACTMENT OF RESIDENTIAL INVESTMENT EXEMPTION PURSUANT TO SECTION 485-J OF THE NEW YORK REAL PROPERTY TAX LAW" OF ARTICLE VIII OF THE CHARTER, ENTITLED "TAXATION AND ASSESSMENT"

A local law to amend the Niagara Falls City Charter as amended, by adding Section 201-c entitled "Enactment of Residential Investment Exemption pursuant to Section 485-j of the New York Real Property Tax Law" 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 adding Section 201-c entitled "Enactment of Residential Investment Exemption pursuant to Section 485-j of the New York Real Property Tax Law to read as follows:

Section 201-c

Residential real property constructed on or after the first day of January, 2007 in the City of Niagara Falls may be exempt from City, School and County taxation and special ad valorem levies as provided in this section.

Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in the following subparagraph.

In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the State Board, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the Assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll.

In the event the Assessor does not have custody of the roll when such certification is received, the Assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the

Assessor on the roll. The Assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by Title Three of Article Five of the New York Real Property Tax Law for the correction of clerical errors.

The following table shall illustrate the computation of the Tax Exemption:

<u>Year of Exemption</u>	<u>Percentage of Exemption</u>
<u>1</u>	<u>50</u>
<u>2</u>	<u>45</u>
<u>3</u>	<u>40</u>
<u>4</u>	<u>35</u>
<u>5</u>	<u>30</u>
<u>6</u>	<u>25</u>
<u>7</u>	<u>20</u>
<u>8</u>	<u>15</u>
<u>9</u>	<u>10</u>
<u>10</u>	<u>5</u>

No such exemption shall be granted unless:

1. Such construction was commenced on or after the first day of January, 2007.

2. The cost of such construction exceeds the sum of Seventy Thousand Dollars; and

3. Such construction is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.

For purposes of this section the term construction shall not include ordinary maintenance and repairs.

Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the State Board. Such application shall be filed with the Assessor on or before the appropriate taxable status date and within one year from the date of completion of such construction.

If the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies commencing with the assessment roll prepared after the taxable status date referred to above. The assessed value of any exemption granted pursuant to this section shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

The provisions of this section shall apply to real property used as the primary residence of the owner.

In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

The City of Niagara Falls shall cause information relating to the availability of such exemption, including requirements and application procedures, to be attached to all building permit applications and copies of such information shall be posted in a conspicuous location in any office or offices where such permits and applications for permits are issued and processed.

Section 2. This local law shall take effect as provided in the Municipal Home Rule Law.

Underlining and Bold indicate additions.

Bold and [Brackets] indicate deletions.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PUBLIC SAFETY MUNICIPAL COMPLEX, ACQUISITION OF PROPERTY, PUBLIC HEARING, 2007-17

Agenda Item #24

RELATIVE TO CALLING FOR A PUBLIC HEARING TO BE HELD ON FEBRUARY 20, 2007 REGARDING THE PROPOSED ACQUISITION OF PROPERTY FOR THE PUBLIC SAFETY MUNICIPAL COMPLEX

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

RESOLVED, that a public hearing be held on the 20th day February, 2007 at 7:00 P.M. Eastern Standard Time, in the Council Chambers of the City of Niagara Falls, New York for the purpose of hearing public comments on the proposed acquisition of property for the Public Safety Municipal Complex.

BE IT FURTHER RESOLVED, that notice of the public hearing substantially in the form attached hereto, be published as required by Section 202 of the Eminent Domain Procedure Law prior to said hearing.

Yeas	5
Nays	0

ADOPTED

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

Carol A. Antonucci  
City Clerk



FEBRUARY 5, 2007

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the February 5, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of January 22, 2007.

Yeas	5
Nays	0

APPROVED

For his Administrative Update, Mayor Vincenzo V. Anello informed the Council Members that:

1. He had met with representatives of the Niagara Power Coalition and National Grid to discuss receiving and marketing additional power.
  2. He had met with the Seneca Nation President to discuss their Master Plan and their working with the community on various projects.
  3. He had met with the LaSalle Pride group concerning a grant and repairs at the LaSalle Library.
  4. He had met with Weed and Seed to discuss their various programs.
  5. He had met with the Golf Course Committee to discuss various issues.
  6. He had met with Lewiston Mayor Soluri and Supervisor Newlin and Fr. Levesque from NU to discuss issues relating to NU and the community, including the location of the Culinary Arts Institute.
  7. He had met with the Council Chairman, to discuss, among other things, setting an Agenda for future discussions.
- He gave background information on the delay in ordering trucks for the City.
- He had discussions with NU concerning regional tourism issues.
- He also spoke on attending various functions, including those relating to Leadership Niagara and the Unity Park Project.

Chairman Anderson noted that when he visited the Corporation Yard, the salt bins were empty. The Mayor responded that there was no need for the salt at this time, and a supply was on order. City Controller Maria Brown will check on the status of the salt order and funding in the Budget line, and inform the Council Members.

Council Member Robins asked the Mayor about the status of hiring a City Administrator. The Mayor responded that he had a list of candidates, and was accepting names until Friday. He would narrow the list down and share it with the Council for their comments next week.

Council Member Robins inquired about plans for spending the funds that had been allocated for Parks. The Mayor said that he was waiting to hear about a grant for Jayne Park, which would free up additional funding for other Park projects. Also, some of the work may have to be contracted out to get the work done in a timely manner, and free up City employees for maintenance and other tasks.

The Mayor informed Council Member Robins that he is considering more than one site for a skate park, and the City's attorneys are working with NFR on various issues.

Council Member Walker asked the Mayor about the Court House design, and the Mayor replied that he and the Acting Corporation Counsel had asked that certain changes be made to the final design.

Council Member Rotella asked that the Inspections Department check on the former book store at the Court House site where bricks are coming loose on the building. Mr. DeCastro will notify the Inspections Department.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of two Items to be added to the Agenda:

1. A communication relative to acceptance of the NYS Office of Homeland Security Grant Program.

Council Member Robins 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 #12.

2. A communication relative to approval of settlement of the claim of Sanders and Sanders, Attorneys.

Council Member Robins 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.

Mrs. Brown responded to Council Member Robins' questions about the source of funding for Agenda Items #2 and 6. Chairman Anderson thanked City Assessor Dom Penale and Morton Abramowitz for their work on the agreement for shared services with the Town of Wilson.

Council Member Robins spoke on Agenda Item #10, a Resolution he was sponsoring relative to enforcement of the residency requirement for City employees. Acting Corporation Counsel Damon DeCastro explained the Charter provisions relating to residency, and asked that the Council wait for the next Meeting to address this issue. Mr. DeCastro will work with the Administration to propose a policy for the Council to consider.

This Session ended at 4:50 P.M.

Chairman Anderson reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fruscione and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Anderson announced a Special Order of Business, a Public Hearing relative to amending the City Charter relative to Article XXXIV entitled "Niagara Falls Cable Television Commission", and asked if there were any speakers relative thereto and the following spoke:

Kevin Green

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and there were no speakers.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

POLICE: ID CARD MACHINE, BUDGET AMENDMENT, APPROPRIATION FROM 2006 FUND BALANCE

Agenda Item #1

RE: Approval of appropriation of \$3,500.00 from 2006 fund balance to cover the purchase of a new Police ID Card Machine

The machine the Police Department uses to make I.D. cards has broken and is not repairable.

No funds were included in the 2007 Budget. It is therefore requested that the Council appropriate \$3,500.00 from the 2006 Fund Balance to cover the purchase of a new machine.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: ASSESSMENT AGREEMENT, TOWN OF WILSON, AMENDMENT

Agenda Item #2

RE: Approval of amendment to the Assessment Agreement for Shared Services with the Town of Wilson

The City's recent revision to its assessment policy will cause the Town of Wilson to lose \$30,000 of funding from New York State.

After discussions with the Town of Wilson the attached (on file in the City Clerk's Office) amendment to the Assessment Agreement for Shared Services has been negotiated. This would have the City reimburse the Town \$20,000 after the City receives its \$240,000 funding from the State.

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

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: PRELIMINARY PLANNING AGREEMENT BETWEEN THE NEW YORK STATE OFFICE OF TECHNOLOGY AND THE CITY IN CONNECTION WITH STATEWIDE WIRELESS NETWORK

Agenda Item #3

RE: Approval of agreement to execute the Preliminary Planning Agreement between the New York State Office for Technology and the City in connection with Statewide Wireless Network

The Police Department would like to enter into the above referenced Agreement with New York State which is setting up a statewide wireless network to improve public safety communication in the post-September 11<sup>th</sup> era.

Entering into this agreement does not commit any City funding at this time, but allows the City to apply for grant funding in conjunction with the new statewide network which would not be available if the City did not enter into this Agreement.

Any future plans for the City to go forward with the statewide wireless network would be subject to further Agreements to be approved by the Council.

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

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

Yeas 5  
Nays 0

APPROVED

MW1 POSITION, BUDGET AMENDMENT, APPROPRIATION FROM 2006 FUND BALANCE

Agenda Item #4

RE: Approval to amend the budget by appropriating the sum of \$1,806.00 from 2006 fund balance to change a Cleaner position to a MW1 position

A previously approved settlement of a labor matter provided for the reinstatement of an employee as a MW1.

In order to comply with this Agreement he was assigned to a position that was temporarily vacant. The incumbent has now returned to that position and to continue compliance it is necessary to temporarily change a Cleaner position to a MW1 position.

This has an additional cost as shown below with the transfers to these account numbers:

A.1620.2315.0110.000	Salary Increase	\$1,562.00
A.1620.2315.0810.000	FICA	119.00
A.9010.0000.0810.000	Pension	125.00

Will the Council so approve and vote to amend the budget by appropriating the sum of \$1,806 from the 2006 Fund Balance?

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

Yeas	5
Nays	0

APPROVED

LANDSCAPER, STIPEND, BUDGET AMENDMENT, APPROPRIATION FROM 2006 FUND BALANCE

Agenda Item #5

RE: Approval to amend the budget by appropriating \$7,199.00 from 2006 fund balance for stipend for Landscaper

The Landscaper has been assigned additional duties in Forestry. These additional duties justify a stipend in the amount of \$6,225. With FICA and pension costs the total cost of the stipend is \$7,199 in the following three accounts:

A.8560.0000.0110.000	Forestry Biweekly	\$6,,225.00
A.8560.0000.0810.000	FICA	476.00
A.9010.0000.0810.000	Pension	498.00

Will the Council approve the stipend costs and appropriate the \$7,199 from the 2006 Fund Balance?

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

Yeas	5
Nays	0

APPROVED

CONTRACT: ADMINISTRATIVE SERVICES FOR THE RETIREE DRUG SUBSIDY, HEALTHNOW NEW YORK, INC.

Agenda Item #6

RE: Approval of agreement with HealthNow New York, Inc., to provide Administrative Services for the retiree drug subsidy

As part of the new Medicare, Part D drug coverage the City needs to enter into an Agreement to provide administrative services for the eligible retiree drug subsidy.

HealthNow New York, Inc. will provide these services for the City at an annual cost of \$3,500.00.

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: HOPE VI PROJECT, FUNDING AGREEMENT

Agenda Item #7

RE: Approval of funding agreement between the City of Niagara Falls Housing Authority covering the disbursements of the Casino Funds allocated for the HOPE VI Project

Attached (on file in the City Clerk's Office) is a proposed Funding Agreement between the City and the Niagara Falls Housing Authority covering the disbursements of the Casino Funds allocated for the HOPE VI Project.

Will the Council so approve and authorize the Mayor to execute same?  
Council Member Fruscione moved that the communication be received and filed and the communication approved.

Yeas 5  
Nays 0  
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: KENNETH J. BERNER, JR. AND RENEE BERNER

Agenda Item #8

RE: Request for Approval to Settle and Pay Claim of Kenneth J. Berner, Jr. and Renee Berner

Date Claim Filed: April 21, 2004  
Date Action Commenced: February 8, 2005  
Date of Occurrence: February 2, 2004  
Location: Niagara Falls Boulevard at its intersection with 47<sup>th</sup> Street, Niagara Falls, New York  
Nature of Claim: Automobile accident.  
Status of Action: Action Commenced.  
Recommendation/Reason: Best interests of City to pay.  
Amount to be Paid: \$3,000.00  
Make Check Payable to: "Andrews, Bernstein & Maranto, LLP, as attorneys for Kenneth J. Berner, Jr. and Renee Berner"

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 Fruscione moved that the communication be received and filed and the communication approved.

Yeas 5  
Nays 0  
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL OF RESOLUTION 2007-14

Agenda Item #9

RE: Mayor's Approval of Resolution 2007-14

Please be advised that on January 30, 2007 Mayor Vincenzo V. Anello duly approved Resolution 2007-14, relative to adopting Chapter 170 of the Codified Ordinances entitled "Compensation for City Council Members".

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: AMEND CITY CHARTER RELATIVE TO "RESIDENCY OF EMPLOYEES", PUBLIC HEARING, 2007-

Agenda Item #10

RELATIVE TO CALLING TO A PUBLIC HEARING TO AMEND THE CITY CHARTER RELATIVE TO "RESIDENCY OF EMPLOYEES"

BY: Council Member Chris Robins

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

LOCAL LAW: AMENDING SECTION 565 OF ARTICLE XXXIV OF THE CITY CHARTER,  
ENTITLED "NIAGARA FALLS CABLE TELEVISION", 2007-

Agenda Item #11

RELATIVE TO ADOPTING A LOCAL LAW TO AMEND THE NIAGARA FALLS CITY CHARTER  
AS AMENDED, BY AMENDING SECTION 565 OF ARTICLE XXXIV OF THE CHARTER,  
ENTITLED "NIAGARA FALLS CABLE TELEVISION COMMISSION"  
THIS ITEM WAS PULLED FROM THE AGENDA. NO ACTION WAS TAKEN ON THIS ITEM.

GRANT: NYS OFFICE OF HOMELAND SECURITY GRANT PROGRAM

Agenda Item #12

RE: Approval of acceptance of NYS Office of Homeland Security Grant  
Program

The Police Department has been awarded a \$140,000 grant under the above  
referenced program.

This is to purchase specialized law enforcement incident response vehicle  
and related equipment.

There is no match required for this grant.

Will the Council approve acceptance of the grant and authorize the Mayor  
to execute any necessary contract or documentation to accept the grant?

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

Yeas

5

Nays

0

APPROVED

CLAIM: SANDERS AND SANDERS

Agenda Item #13

RE: Request for Approval to Settle and Pay Claim of Sanders and Sanders

Date Claim Filed: N/A

Date Action Commenced: May 16, 2006

Date of Occurrence: N/A

Location: N/A

Nature of Claim: Attorney's fees pursuant to settlement in  
Federal Court action involving members of  
the Detention Aide Union.

Status of Action: Action stage.

Recommendation: Best interests of City to pay claim.

Amount to be Paid: \$500.00

Make Check Payable to: "Sanders and Sanders"

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 Fruscione moved that the communication be received and  
filed and the communication approved.

Yeas

5

Nays

0

APPROVED

There being no further business to come before the Council, Chairman  
Anderson adjourned the Meeting at 7:15 p.m.

Carol A. Antonucci  
City Clerk



**FEBRUARY 20, 2007**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The first session of the February 20, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of February 5, 2007.

Yeas	5
Nays	0

APPROVED

Rob Belue, Executive Director of the Niagara Greenway Commission, gave a presentation to the Council Members on the Niagara River Greenway Plan, and asked that the Council adopt and approve a Resolution to move the Plan forward.

In his Administrative Update, Mayor Anello spoke about the delivery of salt to the Public Works Department, and said that the Department stays in contact with the Police Department by radio to monitor road conditions and trouble spots.

He informed the Council about his meetings with:

1. Members from the UB Urban Design Department, to discuss, among other things, the train station.
2. The Historic Preservation Committee, to discuss issues and grants for the LaSalle Library.
3. Various representatives from Niagara Falls and Niagara County to discuss economic development in the area.
4. USA Niagara, to discuss various issues.
5. NOAH, to discuss minority hiring.
6. The Cross Border Mayors

He also attended Erie County Executive Giambra's State of the County Address, and Buffalo Mayor Brown's State of the City Address.

The Mayor asked that Council Members withhold comments about NFR, as they may affect ongoing negotiations.

In response to Council Member Fruscione, the Mayor said that he is in discussions about the Summer Concert Series.

In response to Council Member Robins, the Mayor that he has had a response from some of the Council Members for input regarding the position of City Administrator, and he would be making a decision soon.

Council Member Robins asked City Engineer Robert Curtis about the Lewiston Road Project, and Mr. Curtis informed him that he was waiting for testing results.

Mr. Curtis also said that training would be provided for his staff to use updated software (Agenda Item #4).

The Mayor informed Council Member Rotella that City contracts for the purchase of plows contain a time frame for delivery.

Deputy Corporation Counsel Thomas O'Donnell responded to Council Member Robins that Agenda Item #9 provided for an easement on City property, and reimbursement for this would go to the School District.

Mr. O'Donnell distributed copies of a Resolution to be added to the Agenda relative to requesting State Aid for demolitions.

Council Member Robins 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.

This Session ended at 4:45 p.m.

Chairman Anderson reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Robins 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:

Bill MacKay	Agenda Item #6	
Ken Hamilton	Agenda Item #19	
Patsy Mackenna	Approval of	Greenway
	Commission Plan	
Marjorie Gillies	Approval of	Greenway
	Commission Plan	
Ken Hamilton	Approval of	Greenway
	Commission Plan	
Ken Sherman	Approval of	Greenway
	Commission Plan	

The following was RECEIVED AND FILED:

Agenda Item #1  
Claim's Report for January, 2007.

Agenda Item #2  
City Clerk's Report for January, 2007.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: POINT AVENUE BRIDGE, DEMOLITION, 2004 CASINO FUNDS  
RE-APPROPRIATION

Agenda Item #3

RE: Approval of request for re-appropriation of 2004 Casino Funds for additional funding needed to demolish the Point Avenue Bridge

As you know, City Council previously appropriated the 2004 Casino Revenue to fund projects which have since been completed. There are remaining balances in the codes identified below, totaling \$31,032.33.

The LaSalle Pedestrian Bridges had an original 2004 Casino Revenue appropriation of \$200,000 and on April 10, 2006, an additional \$63,351.62 was transferred from 2004 Casino Revenue to cover the cost of required consultant fees, the demolition of the Pear Avenue Bridge, the installation of a new bridge, and the demolition of the Point Avenue Bridge. Bids for the installation of a new Pear Avenue bridge came in higher than anticipated and, in order to demolish the Point Avenue Bridge, additional funding will be required. If this transfer is approved, the total project amount for LaSalle Pedestrian Bridges will be \$294,383.95.

It is the recommendation of the undersigned that Council authorize the City Controller to transfer a total of \$31,032.33 from 2004 Capital Casino Revenue Codes as listed below, to LaSalle Pedestrian Bridges Code H0404D as follows:

<u>Project</u>	<u>Code</u>	<u>Balance</u>
DeVeaux Sidewalks	H0404B	\$ 1,089.43
Citywide Sidewalks & Streets	H0404F	\$24,860.90
Cayuga Creek Clean-Up	H0404H	\$ 3,701.00
Repair Lights At Griffon Park Boat Docks	H0404K	\$ 996.00
Modify Police Fire Range Exhaust System	H0404L	\$ 385.00
	Total Transfer	\$31,032.33

Will the Council vote to so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: ENGINEERING, SOFTWARE FOR AUTOCADD AND SURVEYCADD, UPDATE, 2004 CASINO FUNDS RE-APPROPRIATION

Agenda Item #4

RE: Approval of request for re-appropriation of 2004 Casino Funds needed to fund the purchase of software to update the Engineering Department's versions of AutoCADD and SurveyCadd

The 2004 Casino Revenue appropriations allotted \$18,600.00 for a Usage and Utility Study to be performed at the Ice Pavilion. On October 31, 2005, the Council rejected proposals for these services and the funds were not expended.

Presently, the Engineering Department's version of AutoCADD is no longer being supported by the manufacturer. Updated versions of AutoCADD and SurveyCADD are essential in order for the department to maintain an adequate level of service to the City Of Niagara Falls. As there is no software line item in the Engineering Department's 2007 Budget, we are unable to make these purchases.

Therefore, it is the recommendation of the undersigned that Council authorize the City Controller to transfer \$18,600.00 from 2004 Capital Casino Revenue Code H0404M Ice Pavilion Usage & Utility Study to the Engineering Department's Software Code A1440.0000.0446.007.

Will the Council vote to so approve?

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

Yeas

5

Nays

0

APPROVED

Council Member Robins said that this is a good way to use Casino Funds.

GRANT: FIRE DEPARTMENT, NEW YORK STATE PROGRAM GRANT, APPROVAL

Agenda Item #5

RE: Approval of receipt of New York State Program Grant for the Fire Department

The Fire Department has received a grant from the New York State Department of State in the amount of \$2,000 for Fire Prevention education materials.

No matching funds are required.

Will the Council approve the receipt of the grant and authorize the Mayor to execute the grant agreement and any other necessary documentation? Council Member Fruscione moved that the communication be received and filed and the communication approved.

Yeas 5  
Nays 0

APPROVED

GRANT: FIRE DEPARTMENT, RE-APPROPRIATE GRANT FUNDS

Agenda Item #6

RE: Approval of request to re-appropriate Fire Department grant funds to purchase replacement equipment for the Fire Department

In 2006, the Council appropriated \$181,262 from the 2004 Fund Balance to be used as matching grant money for various Fire Department grants.

The department used \$128,717.59 of that amount leaving a balance of \$52,544.41.

The Fire Chief requested funds for equipment replacement in the 2007 budget. These were not included in the proposed budget with the intent of using Casino funds for this equipment.

Since the balance of the above funds were not used for matching grants, I would request that the Council re-appropriate these funds to account number A.3410.3010.0250.000 to purchase replacement equipment for the Fire Department.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

LASALLE RECREATION WAY TRAIL DESIGN, GRANT AGREEMENT, AMENDMENT

Agenda Item #7

RE: Approval of amendment to LaSalle Recreation Way Trail Design Grant Agreement

The City previously received a grant through the State of New York, Department of State for the design of the LaSalle Recreation Way Trail.

The Agreement was originally scheduled to expire on March 31, 2006 and the City has received an amendment to extend the term of the Agreement to March 31, 2008.

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

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

Yeas 5  
Nays 0

APPROVED

COURT HOUSE PROJECT, DEVELOPER COSTS

Agenda Item #8

RE: Approval of payment of invoice for developer costs for the Court House Project

Attached (on file in the City Clerk's Office) is invoice #10 from the Developer for \$102,650.04.

Will the Council approve the payment?

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

Yeas 5  
Nays 0

APPROVED

EASEMENT, UTILITY LINE, NIAGARA FALLS HIGH SCHOOL, GRANTING

Agenda Item #9

RE: Approval of granting an easement to allow the placement of a utility line for a cellular installation at the Niagara Falls High School site

The City has been requested by Niagara Mohawk and Verizon to grant an easement to allow the placement of a utility line for a cellular installation at the Niagara Falls High School site, which is owned by the City and leased to the School District.

Will the Council approve the granting of the easement and authorize the Mayor to execute the easement agreement and any other documentation in a form acceptable to the Corporation Counsel?

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

Yeas 5  
Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: FRANCES DILETTI

Agenda Item #10

RE: Request for Approval to Settle and Pay Claim of Frances Diletti

Date Claim Filed: October 26, 2000

Date Action Commenced: February 1, 2001

Date of Occurrence: February 16, 2000

Location: Porter Road near the intersection with New Road in the City of Niagara Falls

Nature of Claim: Collision with a City vehicle

Status of Action: Summons and Complaint have been filed

Recommendation: Best interests of City to pay claim

Amount to be Paid: \$2,500.00

Make Check Payable to: "Andrews, Bernstein and Maranto, LLP as attorneys for Frances Diletti"

Conditions: General Release to City and Stipulation to Discontinue, 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 Fruscione moved that the communication be received and filed and the communication approved.

Yeas 5  
Nays 0

APPROVED

CLAIM: DONALD J. BROWN

Agenda Item #11

RE: Request for Approval to Settle and Pay Claim of Donald J. Brown  
Date Claim Filed: September 6, 2006  
Date Action Commenced: N/A  
Date of Occurrence: September 2, 2006  
Location: 315-78<sup>TH</sup> Street  
Nature of Claim: Damage to vehicle caused by a falling tree limb  
Status of Action: Claim stage.  
Recommendation: Best interests of City to pay claim.  
Amount to be Paid: \$1,800.00  
Make Check Payable to: "Donald J. Brown"  
Conditions: General Release to City, approved by Corporation Counsel.

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

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

Yeas 5  
Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #12

RE: Approval of Commissioner of Deeds Appointments for a term from April 1, 2007 to March 31, 2009

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2007 to March 31, 2009.

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

James C. Galie, Jr.	N.F. Police Department
Christopher Lofstrand	N.F. Police Department
Nicholas Paonessa	N.F. Police Department
Michael Trane	N.F. Police Department
MaryJo Chiarenza	N.F. City Court
Mary C. Davis	Billing & Collection
Keith Martineau	Billing & Collection
Michele M. Martin	Billing & Collection
Timothy Kennedy	City Clerk's Office
Louella Tomala	Law Department
Jane Travis	Law Department
Dennis Virtuoso	Inspections
John A. Soro	Public Works
William E. Santiago	Public Works
Theresa Kasper	Public Works
John P. Caso	Parks
Frank Cacciatore	Fire Department
Patricia Barone	N.F. Housing Authority
Rozanne Muto	N.F. Housing Authority
Angela M. Woodley	N.F. Housing Authority
Maria A. Crea-Smith, M.D.	5252 Lewiston Rd., Lewiston, NY 14092
Morgan S. Cooper	69 Ward Road, N. Tonawanda, NY 14120
Rebecca Dyster	626 Orchard Pk., Niagara Falls, NY 14301
Peggy Frame	1310 18 <sup>th</sup> St. #7, Niagara Falls, NY 14301
Janet Gallo	1822 Hyde Pk. Blvd., Niagara Falls, NY 14305
Stephen D. Godzisz	1822 Hyde Pk. Blvd., Niagara Falls, NY 14305
Carol Ann Gray	138 59 <sup>th</sup> Street, Niagara Falls, NY 14304
Deborah G. Kumm	2953 Porter Rd., Niagara Falls, NY 14305
Anthony Mondri, Sr.	438 12 <sup>th</sup> St., Niagara Falls, NY 14301
Anthony V. Rippo	765 Oneida St., Lewiston, NY 14092
Brian W. Shaffer	1401 Lafayette Ave., Niagara Falls, NY 14305
Anthony Restaino, Jr.	2478 Forest Ave., Niagara Falls, NY 14301
Diana M. Restaino	826 College Ave., Niagara Falls, NY 14305
Janice Reynolds	2490 South Avenue, Niagara Falls, NY 14305

Margaret Anne Smith 410 74<sup>th</sup> St., Niagara Falls, NY 14304  
Pamela Smith 628 Chestnut Avenue, Niagara Falls, NY 14305  
Council Member Fruscione moved that the communication be received and  
filed and the communication approved.

Yeas 5  
Nays 0  
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

The following was RECEIVED AND FILED:

Agenda Item #13

Notice of request regarding tourist directional signage in the areas of Pine Avenue & Main Street and Pine Avenue & Third Street.

86<sup>th</sup> STREET, RESCIND ALTERNATE OVERNIGHT PARKING

Agenda Item #14

At a Traffic Advisory Commission meeting held on February 7, 2007, the Commission recommended APPROVAL of the following item:

RESCIND ALTERNATE OVERNIGHT PARKING ON  
86<sup>TH</sup> STREET, BETWEEN LINDBERGH AVENUE &  
PERSHING AVENUE

A Petition from the residents of this area was received with 67% signatures. In addition, all residences in this area have driveways for off-street parking. If Council approves this recommendation, each household in the area will receive official notification of the change.

Submitted By: Robert Smiley, 8603 Lindbergh Avenue & Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0  
APPROVED

559-27<sup>TH</sup> STREET, INSTALL A 5' HANDICAPPED ACCESS SPACE

Agenda Item #15

At the Traffic Advisory Commission meeting held on February 7, 2007, the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 559 - 27<sup>TH</sup> STREET

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

Submitted By: Cori Herbert, Service Coordinator/Rivershore Inc. on behalf of Matthew Dinino, 559 - 27<sup>th</sup> Street

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0  
APPROVED

S. 91<sup>ST</sup> STREET, BETWEEN S. MILITARY ROAD AND THE DEAD END, CHANGE TWO-SIDED DAY PARKING, ALTERNATE PARKING TO ONE-SIDED DAY & NIGHT PARKING AND PLACE "NO STANDING ANYTIME" RESTRICTION

Agenda Item #16

At the Traffic Advisory Commission meeting held on February 7, 2007, the Commission recommended APPROVAL of the following item:

CHANGE TWO-SIDED DAY PARKING, WITH ALTERNATE OVERNIGHT PARKING ON S. 91<sup>ST</sup> STREET, BETWEEN S. MILITARY ROAD AND THE DEAD END

TO

ONE-SIDED DAY & NIGHT PARKING ON THE WEST SIDE AND PLACE "NO STANDING ANYTIME" RESTRICTION ON THE EAST SIDE OF S. 91<sup>ST</sup> STREET, BETWEEN S. MILITARY ROAD AND THE DEAD END

[Petition received has 75% of residential signatures.]

Submitted By: Donald Lilly, 9017 S. Military Road & Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

27<sup>TH</sup> STREET, BETWEEN LINWOOD AVENUE AND WILLOW AVENUE, INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #17

At a Traffic Advisory Commission meeting held on February 7, 2007, the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 27<sup>TH</sup> STREET, BETWEEN LINWOOD AVENUE AND WILLOW AVENUE

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

Submitted By: Ezra Scott, 2703 Linwood Avenue and Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

THIRD STREET, EAST SIDE, BETWEEN WENDEL WAY & OLD FALLS STREET, CHANGE EXISTING TAXI STAND

Agenda Item #18

At a Traffic Advisory Commission meeting held on February 7, 2007, the Commission recommended APPROVAL of the following amended item:

CHANGE THE EXISTING TAXI STAND [4 SPACES] AND 2 HOUR PARKING ZONE - 8AM TO 6PM [3 SPACES] ON THIRD STREET, EAST SIDE, BETWEEN WENDEL WAY & OLD FALLS STREET

TO

TAXI STAND [2 SPACES] AND 15 MINUTE PARKING [5 SPACES]

This will allow customers to utilize this area for short term parking to pick up coffee at the new Starbucks and still accommodate the taxicabs - which may use up to two of the 15 minute parking spaces during the peak season, if available.

Submitted By: Douglas Williams, Project Manager/NS Partners, owners of Crowne Plaza Hotel, 300 - 3<sup>rd</sup> Street & Starbucks, 3<sup>rd</sup> & Old Falls Streets

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

RESOLUTION: IMPROVE ECONOMIC PROSPERITY AND FINANCIAL HEALTH OF CITIES,  
IMPLEMENTATION BY STATE OF NEW YORK, REQUEST, 2007-18

Agenda Item #19

RELATIVE TO REQUESTING THE STATE OF NEW YORK IMPLEMENT NECESSARY REFORMS  
TO IMPROVE THE ECONOMIC PROSPERITY AND FINANCIAL HEALTH OF OUR CITIES

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

WHEREAS, on January 1, 2007, the State of New York swore in its 54<sup>th</sup>  
Governor, Eliot Spitzer; and

WHEREAS, this change in Governorship provides an opportunity to reform  
the way in which our state government operates and its relationship with its  
cities; and

WHEREAS, many cities in New York have experienced population declines  
and stagnant tax bases in recent years; and

WHEREAS, the State of New York has for too long burdened its cities with  
unfunded mandates that directly affect local property taxpayers; and

WHEREAS, the State of New York has never fully restored the State Aid to  
Local Governments that it severely reduced in the early 1990's; and

WHEREAS, the New York Conference of Mayors and Municipal Officials have  
outlined needed reforms in a report entitled, "Connecting the Dots: A  
Blueprint for Revitalizing Our Communities and Our State" to address these  
issues that are critical to cities across New York.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Niagara  
Falls, New York hereby respectfully requests that Governor Eliot Spitzer, and  
members of the New York State Senate and Assembly, work in a bi-partisan  
manner to enact the legislative changes identified in NYCOM's report,  
"Connecting the Dots" to help improve the economic prosperity and financial  
stability of our great cities across New York.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: PROPOSED ACQUISITION OF PROPERTY FOR PUBLIC SAFETY MUNICIPAL  
COMPLEX, EMEINENT DOMAIN PROCEDURE LAW, PUBLIC HEARING, RESCHEDULED, 2007-19

Agenda Item #20

RELATIVE TO CALLING FOR A RESCHEDULED PUBLIC HEARING PURSUANT TO SECTION  
202 OF THE EMINENT DOMAIN PROCEDURE LAW REGARDING THE PROPOSED  
ACQUISITION OF PROPERTY FOR THE PUBLIC SAFETY MUNICIPAL COMPLEX

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

RESOLVED, that a public hearing be held on the 19<sup>th</sup> day of March, 2007  
at 7:00 P.M. Eastern Standard Time, in the Council Chambers of the City of  
Niagara Falls, New York for the purpose of hearing public comments on the  
proposed acquisition of property for the Public Safety Municipal Complex.

BE IT FURTHER RESOLVED, that notice of the public hearing substantially  
in the form attached hereto, be published as required by Section 202 of the  
Eminent Domain Procedure Law prior to said hearing.

Yeas 5  
Nays 0

ADOPTED

The following was RECEIVED AND FILED:

Agenda Item #21

Recommendations to the City Council with respect to the Residency of Employees  
Local Law.

RESOLUTION: STATE AID, DEMOLITIONS, 2007-20

Agenda Item #22

RELATIVE TO STATE AID FOR DEMOLITION

BY: Council member Charles A. Walker

WHEREAS, the City of Niagara Falls has a backlog of buildings that need to be demolished; and

WHEREAS, the City does not have the funds to pay to demolish these structures; and

WHEREAS, the City is in the process of planning to construct a new Courthouse/Municipal Services Building on Main Street; and

WHEREAS, many of these buildings that need to be demolished are in the vicinity of the new Municipal Services Building.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it requests our Legislators to include \$2 million in additional State Aid to the City of Niagara Falls designated for the demolition of structures located within the City.

AND, BE IT FURTHER RESOLVED, that the City Clerk forward certified copies of this resolution to State Senators Antoine Thompson and George Maziarz and Assemblywoman Francine DelMonte.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci  
City Clerk



MARCH 5, 2007

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the March 5, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:00 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of February 20, 2007.

Yeas	5
Nays	0

APPROVED

In his Administrative Update, Mayor Vincenzo V. Anello informed the Council that:

1. Department Heads and Supervisors had completed two days of Diversity Training, and the training would also be offered to other employee groups.
2. He had met with the Greater Niagara Manufacturing Association, and offered the City's help to the group.
3. Four positions had been filled in the Fire Department.
4. He had attended the NYCOM Meeting in Albany, and had met with USA Niagara representatives to discuss economic development in the City.
5. He had met with Assemblywoman DelMonte, and Senators Thompson and Maziarz to discuss various issues.
6. He will forward to the Council a report of the NFC Meeting he attended.
7. He attended the Legislative Reception regarding Tourism.

Council Member Robins asked about the time frame for spending the money that had been bonded for Hyde Park improvements, and if the bond could only be used for specific projects. City Controller Maria Brown and Deputy Corporation Counsel Thomas O'Donnell responded, and a discussion followed on a plan for the improvements.

The Mayor responded to Council Member Robins inquiry that he would name a City Administrator by Friday.

Council Member Fruscione asked about repairs to the City Hall roof, and the Mayor replied that he was waiting to hear about a grant that had been applied for.

Council Member Robins asked about the Lewiston Road Project (Agenda Item #3), and City Engineer Robert Curtis informed him that he was waiting for direction from the DEC. Mr. Curtis will provide an update at the next Council Meeting.

Mr. O'Donnell distributed copies of two Items to be added to the Agenda:

1. A communication relative to an RFP for improvements at Hyde Park.  
Council Member Robins 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 #10.

2. A communication relative to payment of the claim of Sanders and Sanders, Attorneys.

Council Member Robins 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.

Council Member Robins moved for an Executive Session to discuss specific litigation.

Yeas 4

Robins, Rotella, Walker, Anderson

Nays 1

Fruscione

MOTION FOR EXECUTIVE SESSION APPROVED

Council Member Robins moved to end the Executive Session, and his motion was unanimously approved.

The Executive Session began at 4:40 p.m., and ended at 4:53 p.m., at which time Chairman Anderson adjourned the Meeting.

Chairman Anderson reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Rotella and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

During the Committee of the Whole meeting Agenda Items 4, 5 and 6 were pulled. Council Member Robins moved to restore Agenda Items 4, 5 and 6.

Yeas 5  
Nays 0

APPROVED

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

Norma Higgs  
Bill Bradberry  
Ken Sherman

Agenda Item #7  
Agenda Item #6  
Approval of Greenway Plan

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BOARDING UP OF VARIOUS DILAPIDATED AND FIRE DAMAGED BUILDINGS, SANTO CANDELLA CONST. CO., INC.

Agenda Item #1

RE: Boarding Up of Various Dilapidated and Fire Damaged Buildings, Bid #3-07

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

TO: Santo Candella Const. Co., Inc.  
118 74<sup>th</sup> Street  
Niagara Falls, NY 14304

FOR: Boarding up of various dilapidated and fire damaged structures, privately and publicly owned, deemed hazardous by the Inspections Department and Fire Department.  
Price per square foot of sheathing used: \$1.96/sq. ft.  
The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Five (5) vendors. Two (2) bids were received. The above referenced company submitted the lowest bid. One other bid was received; Winter Builders (\$5.00/sq. ft.).

Funds for this expenditure are available in the Inspections Department code: A3620.0000.0449.599 and the Fire Department code: A3410.3030.0449.599.

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: THIRD STREET SIGNAGE #1, A & B HERITAGE, INC., CHANGE ORDER #1

Agenda Item #2

RE: Approval of Change Order #1 for Third Street Signage Contract #1

A contract for the above referenced project was awarded to A & B Heritage, Inc. (d.b.a. ASI Modulex) on March 7, 2005, for the above referenced project, in the amount of \$188,858.00.

Subsequent to the award of this contract and during the course of the concurrent Streetscape Project, additional signage materials and wayfinding implements were added to the scope of the Contractor's tasks in excess of the original contract. These additions were proportional to the extension of the original project limit southerly to Rainbow Boulevard.

The additional materials and mapping elements were as follows:

- |    |  |              |
|----|--|--------------|
| 1. | Additional Signage & Alterations                 | \$ 6,950.00  |
| 2. | Light Pole Banner Assemblies                     | \$ 21,685.00 |
| 3. | Additional Wayfinding Maps                       | \$ 925.00    |
| 4. | Additional Electrical Connections and Field Alt. | \$ 1,682.00  |
|    | TOTAL ADDITIONAL COST:                           | \$ 31,242.00 |

These additional tasks listed above were reviewed by USA Niagara and found acceptable. Complete funding has been forwarded to the City to cover these costs.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of \$31,242.00, increasing the contract total to \$220,100.00. Funding for these services is available under Capital Code H 0405.2005.0405.000, originally appropriated 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 Counsel?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: RECONSTRUCTION OF MAIN STREET AND LEWISTON ROAD (NY RTE 104) FROM ONTARIO AVENUE TO THE NIAGARA FALLS CITY LINE, WENDEL-DUCHSCHERER, ARCHITECTS AND ENGINEERS, INC., CONSULTANT SERVICES

Agenda Item #3

RE: Approval of Change Order #2 regarding consultant services for the reconstruction of Main Street and Lewiston Road (RTE 104) from Ontario Avenue to the Niagara Falls City Line

A contract for consultant services for the above referenced project was awarded to Wendel-Duchscherer, Architects and Engineers, Inc., 95 John Muir Drive, Suite 100, Amherst, New York on October 9, 2001 in the amount of \$1,395,000.00. Funding is currently available in Capital Project Account Code H2001.0421. Please note that the City is reimbursed for 80 percent of all costs incurred from Federal funds, with an additional 15 percent reimbursement via State Marchiselli funds.

Subsequent to the start of the design process, significant costs have been incurred by our consultant that were not included in this project's initial scope of services. Chief among these out of scope services are the tasks associated with removing the CSX bridge replacement portion of this project and substituting the requisite bridge support, pavement placement and crash attenuation design and specifications in its place. The additional radiological sampling and testing services this project has required were also not anticipated at the outset. All told, the total of the design related extras this project has amassed is \$112,000.00 as listed below:

▪ Additional Services for Radiological Testing	\$10,000.00
▪ Additional Design Services for Accommodating the Rail Bridges	\$59,000.00
▪ Additional Drainage Design: Chasm Outfall Bypass	\$10,000.00
▪ Additional CSX Review Fees	\$13,000.00
▪ Preparation of "Newly Required" Storm Water Prevention/Pretreatment Plan (SWPPP)	\$20,000.00
	<u>\$112,000.00</u> TOTAL

This will allow the City to finalize and pay for all design related costs as we prepare to move on to the construction phase of this project. Existing dollar amounts in our present contract with Wendel-Duchscherer for construction inspection and contract administration (which will be funded under a future agreement between the State of New York and the City) will allow the City to transfer the requisite funding without exceeding the original contract amount at this time. Therefore, it is the recommendation of the undersigned that Change Order #2 in the amount of \$0.00 be approved.

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 Fruscione moved that the communication be received and filed and the communication approved.

Yeas	5
Nays	0

APPROVED

Council Member Robins said that this will take the project to the next step.

PARKS/PUBLIC WORKS: PARKING FACILITIES COORDINATOR, CREATION OF

Agenda Item #4

RE: Approval to amend 2007 Budget to create position of Parks/Public Works Parking Facilities Coordinator

In order to provide better supervision and coordination of the employees in these areas, it is requested that the budget be amended to create the above position.

The Administration requests the Council amend the 2007 Budget to create this position at an annual salary of \$39,518.42, plus FICA of \$3,023.15, benefits of \$16,297 and pension of \$3,161. This would be funded from the 2006 Fund Balance. This would be split between the Neighborhood Services Administration Department A.1610.0001. and Public Works Administration A.1490.0001.

Will the Council so approve?

Council Member Robins moved to amend the communication by deleting reference to Parking Facilities.

Yeas 5  
Nays 0

MOTION TO AMEND APPROVED

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

Yeas 3  
Robins, Walker, Anderson  
Nays 2  
Fruscione, Rotella

APPROVED

Council Member Walker said that this job is needed and he supported it during the budget process.

URBAN RENEWAL AGENCY, EZEKIEL PROJECT, DESIGNATION OF CASINO FUNDS

Agenda Item #5

RE: Approval of recommendation to designate \$42,000 from Casino Funds appropriated to the Urban Renewal Agency for the Ezekiel Project

It is recommended that the Council designate \$42,000 from the Casino funds appropriated to the Urban Renewal Agency for the Ezekiel Project, which would be a Community Center on Tenth Street, being organized by the Rev. William Nelson Loefke. This northend conference facility will contain a community computer lab and conduct various programs including working with women who are dealing with prostitution and/or drug use and a boy scout/girl scout training resource center among others. This not-for-profit organization has received a letter of commitment for a CDBG grant in the amount of \$50,000.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

Council Member Rotella said that this is a worthwhile project for the community.

TOURISM FUND, APPROPRIATIONS

Agenda Item #6

RE: Approval of recommendation for Tourism Fund Appropriations  
The Administration recommends that the following items be funded from the remaining funds from previous years and the 2007 Tourism Fund budget

\$25,000	Fireworks
5,000	Maid of the Mist Parade
5,000	Memorial Day Parade
12,000	Niagara Fine Arts Summer Concert Series
1,655	Niagara Falls Cruisers Car Club
10,000	Aquarium of Niagara
5,000	Brochures, posters, advertisements, etc. (Ontario House Jazz Fest, Summer Concerts, etc.)
500	PRIDE Award
5,000	Signage Changes
15,000	Concerts in the Park (Sal Maglie Stadium)
2,000	Wild Life Displays/Nickle City Reptiles
<u>\$86,155</u>	TOTAL

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

The following was RECEIVED AND FILED:

Agenda Item #7  
Charter Amendment

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

NOTICE OF APPROVAL OF LOCAL LAWS NO. 1 & 2 for 2007

Agenda Item #8

RE: Notice of approval of Local Laws No. 1 & 2 for 2007

Please be advised that Local Law #1 for 2007, relative to amending the City Charter as amended, by adding Section 201-b entitled "Enactment of Exemption of Capital Investment in Multiple Dwelling Buildings pursuant to Section 421-j of the New York Real Property Tax Law" of Article VIII of the Charter entitled "Taxation and Assessment" and Local Law #2 for 2007, relative to amending the City Charter as amended, by adding Section 201-c entitled "Enactment of Residential Investment Exemption pursuant to Section 485-j of the New York Real Property Tax Law" of Article VIII of the Charter entitled "Taxation and Assessment, which were adopted by Council on January 22, 2007 and duly approved by Mayor Vincenzo V. Anello on January 30, 2007 were received and filed by the New York State Department of State on February 5, 2007.

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: AUTHORIZING THE ISSUANCE OF \$750,000 BONDS FOR THE REMOVAL, CLEANUP AND INSTALLATION OF FUEL TANKS AT THE CORPORATION YARD, 2007-21

Agenda Item #9

RELATIVE TO AUTHORIZING THE ISSUANCE OF \$750,000 BONDS TO PAY THE COST OF THE REMOVAL, CLEANUP AND INSTALLATION OF FUEL TANKS AT THE DEPARTMENT OF PUBLIC WORKS YARD

BY: Council Member Chris Robins

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

Section 1. For the purpose of the cost of the removal and cleanup of underground fuel tanks at the Department of Public Works yard and the installation of a new above ground fuel system, in and for the City of Niagara Falls, Niagara County, New York, including incidental improvements and expenses thereto, there are hereby authorized to be issued \$750,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid object or purpose is \$750,000, which is hereby authorized at said maximum estimated cost.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is ten (10) years, pursuant to subdivision 90(88(b) and 35 of paragraph (a) of Section 11.00 of the Local Finance Law.

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

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

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

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

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

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond 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 9. This resolution, which takes effect immediately, shall be published in summary form in the Niagara Gazette, the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: HYDE PARK, IMPROVEMENTS, 2007-22

Agenda Item #10

RELATIVE TO IMPROVEMENTS TO HYDE PARK

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it requests the administration to request proposals for a plan for long range improvements for Hyde Park.

Yeas 5  
Nays 0  
ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: SANDERS AND SANDERS

Agenda Item #11

RE: Request for Approval to Settle and Pay Claim of Sanders and Sanders, Attorneys at Law

Date Claim Filed: N/A  
Date Action Commenced: May 16, 2006  
Date of Occurrence: N/A  
Location: N/A  
Nature of Claim: Balance due for Attorney's fees pursuant to settlement in Federal Court action involving members of the Detention Aide Union.  
Status of Action: Action stage.  
Recommendation: Best interests of City to pay claim.  
Amount to be Paid: \$2,500.00  
Make Check Payable to: "Sanders and Sanders"  
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 Fruscione moved that the communication be received and filed and the communication approved.

Yeas 5  
Nays 0  
APPROVED

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 7:15 p.m.

Carol A. Antonucci  
City Clerk



MARCH 19, 2007

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The first session of the March 19, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, Acting Corporation Counsel Damon A. DeCastro and City Controller Maria Brown.

Chairman Anderson asked those present to observe a Moment of Silence in honor of Spc. Lorne E. Henry.

Rick Williams, Chairman of the Niagara Falls Human Rights Commission, and Jeff Paterson, a Member of the Commission, spoke on their work on the job specifications for a position for Equal Opportunity/Contract Compliance. In response to Council Member Rotella, they said that the position should be full time, and a salary has not yet been set.

Tom DeSantis and Rick Zucco spoke on the recommendation of the Planning Board to consider and adopt the Comprehensive Plan and Zoning Ordinance updates, which would replace the Plan previously adopted in 1994.

In his Administrative Update, Mayor Vincenzo V. Anello informed the Council Members that:

1. He had appointed William Bradberry as the new City Administrator, and that Mr. Bradberry should be able to give the Administrative Update at the next Council Meeting.
2. He supports the creation of the position relating to Equal Opportunity/Contract Compliance.
3. He asked that the Minutes note that he was requesting, for the second time, that the Mayor be a voting member of the Council. Council Member Rotella said that, in order to do that, a Council Member would have to be added or subtracted from the Council so that there would be an uneven number of voting Members. The Mayor said that he would be in favor of adding an additional Council Member. Council Member Walker stated personalities were the cause of contention between the Council and Administration, and a change in the form of government would not necessarily resolve that.

Council Member Robins inquired about the status of the driving range, and Acting Corporation Counsel Damon DeCastro informed him that the matter was still in litigation.

Council Member Rotella asked City Controller Maria Brown about the use of credit cards for payments in the various City Departments, and she replied that the Law Department was reviewing the vendor contract, and it was agreed to have a presentation at the next Council Meeting.

Council Member Walker asked about the allocation of additional power (Agenda Item #9), and the Mayor responded that discussions are progressing with the various entities. Council Member Robins asked what the savings for the taxpayers would be, and the Mayor informed him that the savings to the taxpayers would be shown on their tax bills through a reduction in the City Budget, not directly in each taxpayer's electric bill.

Mayor Anello said that he was proud of the contracts that were settled with the Fire Unions (Agenda Items #6 and #7).

Council Member Robins inquired about the interest earnings that have been generated by the Casino funds (Agenda Item #10), and Mrs. Brown gave an approximate amount. He asked for a copy of the Plan for use of the funds by the Aquarium. He then asked about a process for determining how the funds would be spent, and the Mayor said that he would like to see a Board established to address requests for and distribution of the interest earnings.

Mr. Zucco advised the Council Members that the next step for the Wal-Mart development has been approved.

Mr. DeCastro distributed copies of three Items to be added to the Agenda:

1. A communication relative to the transfer of funds for emergency demolitions.

Council Member Robins 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 #24.

2. A Resolution relative to the American Stroke Association's Power of Stroke Campaign.

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 #25.

3. A communication relative to use of funds from Casino interest for the New Jerusalem of Niagara Falls Life Transformation Ministries Reporting Center for Boys of Niagara Falls.

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

Yeas 1

Walker 4

Nays 4

Fruscione, Robins, Rotella, Anderson

MOTION TO ADD COMMUNICATION TO AGENDA DEFEATED

Rev. Searight of the New Jerusalem Center spoke on the use of funds by the Center, and the letters of support he had forwarded to the Council Members from various agencies. Council Members Fruscione and Robins asked about other sources of funding for the Program, and requested that Rev. Searight provide a copy of the operating Budget for the Program. A lengthy discussion followed.

This Session ended at 5:25 p.m.

Chairman Anderson 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. Then the Chairman asked those present to observe a Moment of Silence in honor of Spc. Lorne E. Henry. The Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Anderson announced a Special Order of Business, a Public Hearing relative to the proposed acquisition of property for the Public Safety Municipal Complex, and asked if there were any speakers relative thereto. The following spoke:

John Wilson

Kirk Burzynski

John Garas

Ken Smith

Claudia Miller

John Drake

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

Michael McNally

Guy Bax

Henry Bryk

Robert Alston

Agenda Items #21 & 22

Agenda Items #21 & 22

Agenda Items #21 & 22

Complaint against Police Officer

The following was RECEIVED AND FILED:

Agenda Item #1

Claims Report for February, 2007.

Agenda Item #2

City Clerk's Report for February, 2007.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: ASBESTOS SERVICES 2006-07, STOHL ENVIRONMENTAL LLC, CHANGE ORDER #1

Agenda Item #3

RE: Approval of change order #1 to Asbestos Services Contract 2006-07

Stohl Environmental LLC has been the City's asbestos services consultant for several years, performing surveys and conducting air monitoring analysis relative to Community Development funded demolition projects. Stohl Environmental performs surveys and air monitoring for all City demolition work including emergency demolitions. The referenced contract was awarded to Stohl Environmental on January 30, 2006 in the amount of \$146,200.

The Department of Community Development completed a significant amount of demolition work in the 2006 program year, resulting in a fund balance \$33,231 in the Stohl asbestos monitoring contract. In 2007 we anticipate that 25-30 blighted structures will be demolished using Community Development funds. In order to adequately fund the asbestos monitoring segment of the project we are requesting that City Council award a change order in the amount of \$50,000 to Stohl Environmental LLC. The existing contract is set to expire at the end of 2007. The amount requested should be sufficient to cover all work to be performed through the contract expiration date.

It is our recommendation that Change Order #1 to Asbestos Services Contract 2006-2007, in the amount of \$50,000 be approved by Council. Funding is available in Community Development Budget Code CDR072.

Will the Council vote to so approve the change order and authorize the Community Development Project Administrator to effectuate same.

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

Yeas

5

Nays

0

APPROVED

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

Agenda Item #4

RE: Sales of Street Millings, Bid #4-07

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

TO: Modern Landfill, Inc.

4746 Model City Road

PO Box 209

Model City, NY 14107-0209

FOR: Sale of Street Millings (approx. 14,500 tons): \$6.15/ton

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (5) vendors. Two (2) bids were received. The above referenced company submitted the highest price for the street millings. One other bid was received from Armand Cerrone, Inc. (\$4.95/ton).

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

Yeas

5

Nays

0

APPROVED

Agenda Item #5

RE: Approval of Brownfield Opportunity Program \$95,500 Consultant Contract to LaBella Associates, P.C.

The City has been awarded a Brownfield Opportunity Area (BOA) Program Step 1 Project grant for the Buffalo Avenue Industrial Corridor in the amount not to exceed \$95,500.00, including the City's matching share for BOA projects of 10% (\$9,550.00). The City's share is being matched with casino cash as per prior resolution.

Eleven proposals were received for the Buffalo Avenue Corridor BOA project from the following consulting firms:

- American Consulting Professionals of New York, PLLC, Buffalo, NY
- Brownfield Redevelopment Solutions (BRS), Camden, NJ
- ENSR Corporation, Rochester, NY
- Environmental Resources Management (ERM), Dewitt, NY
- LaBella Associates, P.C., Rochester, NY
- McMahon & Mann Consulting Engineers, PC, Buffalo, NY
- Parsons Brinckerhoff Quade & Douglas, Inc., Buffalo, NY
- Saratoga Associates, Saratoga Springs, NY
- TVGA, Sanborn, NY
- URS Corporation, Buffalo, NY
- Wendel Duchscherer, Amherst, NY

In accordance with the requirements of the BOA Program the consultant will provide a preliminary analysis of the Corridor that identifies compelling and strategic opportunities for revitalization, which shall include:

- An overview of historic, existing, land uses and zoning;
- Quantitative and qualitative data on probable brownfield sites;
- An assessment of land ownership;
- Current and anticipated uses of sites and groundwater;
- Compilation of researchable information and sources concerning the environment;
- A clear definition of a manageable study area and strategic sites that may be catalysts for revitalization within the Corridor;
- Initiation of forums for dialogue among potential stakeholders and partners, particularly the community through a clearly defined public engagement and consultation process, and;
- A preliminary description of possible revitalization strategies for the Corridor, which should suggest short and long-term, public and private measures, including interim measures, necessary to stimulate new investment and enhance physical conditions and environmental quality.

All firms submitting proposals to undertake and complete the proposed scope of work in response to the City's request for qualifications and proposal were evaluated based on their meeting and/or exceeding the minimum submission requirements, as specified in the RFQ/RFP. In addition, the quality of consultant responses were considered, scored and evaluated against nine stated evaluating criteria.

Planning Process:

- Redevelopment understanding.
- Public strategy.
- Procedure.

Qualifications:

- Local/local experience.
- Environmental Planning.
- BOA experience.

Management and Staffing:

- Collaboration.
- Schedule.
- Cost Breakdown.

LaBella Associates, Inc. scored and ranked highest overall among firms submitting proposals. In this way, City staff determined LaBella Associates, Inc. not only demonstrated a complete understanding of brownfield redevelopment but an understanding of the unique problems and issues that brownfield redevelopment presents in Niagara Falls.

While LaBella has not worked for the Department of Planning and Development in the past, they have done a number of projects in the western NY area including the City's Engineering Department. Their public participation strategy is a method that has been tried and proven successfully in other venues. More importantly, Labella's procedure is in close keeping with the specific requirements of a BOA program project. Labella is one of only a few of the respondents that has experience working on BOA projects with NYS DOS.

The Buffalo Avenue Industrial Corridor BOA program project is a Step 1 BOA and as such does not have as strong of a need for collaboration with other firms; however, LaBella did show initiative in this area by their collaboration on the project with other firms. LaBella's proposed schedule is logical and clear in expectations for project flow. While maximum program costs are fixed, the cost breakdown provided showed that LaBella has full understanding of what is involved in preparing and completing a Step 1 BOA.

LaBella Associates, P.C. in the amount of \$78,690 presented the most complete, most comprehensive, and most efficient proposal received for the Buffalo Avenue Corridor BOA Step 1 project out of eleven proposals.

Will the Council vote to approve the award of the BOA consulting contract to LaBella Associates, P.C. as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5  
Nays 0

APPROVED

FIRE DEPARTMENT OFFICERS ASSOCIATION, AGREEMENT

Agenda Item #6

RE: Approval of Proposed Settlement Agreement between the City and the Fire Department Officers Association

Attached (on file in the City Clerk's Office) please find the proposed January 1, 2004 through December 31, 2007 Settlement Agreement negotiated by the City of Niagara Falls and the Niagara Falls Fire Department Officers Association.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

UNIFORMED FIREFIGHTERS ASSOCIATION, LOCAL 714, AGREEMENT

Agenda Item #7

RE: Approval of Proposed Settlement Agreement between the City and the Uniformed Firefighters Association, Local 714

Attached (on file in the City Clerk's Office) please find the proposed January 1, 2004 through December 31, 2007 Settlement Agreement negotiated by the City of Niagara Falls and the Uniformed Firefighters Association, Local 714.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

Council Member Robins noted that it took four years to settle these contracts and negotiations should be for the future and not the past.

COURTHOUSE PROJECT, PURCHASE OF 1901 MAIN STREET

Agenda Item #8

RE: Approval of contract for purchase of 1901 Main Street related to the Courthouse Project

Pursuant to Section 1.5 of the Development Services Agreement attached (on file in the City Clerk's Office) is a contract for the purchase of the following parcel related to the Courthouse Project: 1901 Main Street.

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

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: NEW YORK POWER AUTHORITY, PURCHASE OF POWER

Agenda Item #9

RE: Approval of agreement with the New York Power Authority for the purchase of power pursuant to the Host Community Settlement

Attached (on file in the City Clerk's Office) is the form of agreement with the New York Power Authority for the City to purchase power which it is receiving as part of the host community settlement negotiated by the members of the Niagara Power Coalition.

This agreement provides flexibility in the future for the City to use the power for its own facilities and for economic development and to use the proceeds from excess power for energy related costs.

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

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

Yeas 5  
Nays 0

APPROVED

AQUARIUM OF NIAGARA FALLS, CASINO FUNDS, DESIGNATION

Agenda Item #10

RE: Approval of \$30,000 of Casino Funds to be designated to the Aquarium

It is requested that \$30,000 from the interest generated by Casino revenue be designated to the Aquarium of Niagara Falls.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

GRANT: NEW YORK STATE REAL PROPERTY TAX ADMINISTRATION TECHNOLOGY, APPROVAL

Agenda Item #11

RE: Approval of New York State Real Property Tax Administration Technology Improvement Grant

The City has received a grant through the New York State Office of Real Property Services in the amount of \$17,635 to implement a comprehensive on-line assessment look-up comparable sales and assessments system. No matching funds are required for this grant. There will be an annual software maintenance fee which will be included in future City Budgets.

Will the Council so approve acceptance of the grant and authorize the mayor to execute any contracts or other necessary documentation?

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

Yeas 5  
Nays 0

APPROVED

COURT HOUSE PROJECT, DEVELOPER COSTS

Agenda Item #12

RE: Approval of payment of Invoice #11 for Developer costs for the Court House Project

Attached (on file in the City Clerk's Office) is Invoice #11 from the Developer for \$124,543.56.

Will the Council approve the payment?

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

Yeas	4
Robins, Rotella, Walker, Anderson	
Nays	1
Fruscione	

APPROVED

CONTRACT: NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AMENDMENT TO STATE ASSISTANCE CONTRACT, TRACT II HIGHLAND AVENUE SITE

Agenda Item #13

RE: Approval of New York State Department of Environmental Conservation Amendment to State Assistance Contract for Tract II Highland Ave. Site

As a result of the Superfund/Brownfields law enacted on October 7, 2003, the State reimbursement rate for Environmental Restoration projects has increased to a maximum of ninety percent for on-site remedial activities from seventy-five percent.

The original SAC for the above mentioned site was based on estimated costs of \$82,480 with an authorized maximum state assistance of \$61,860 at seventy-five percent. The City reported actual costs of \$90,681. The enclosed (on file in the City Clerk's office) amendment increases the maximum state assistance to \$81,613 at ninety percent. In addition, it will extend the end date of the contract to December 31, 2007.

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

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: ERIC S. BUCK

Agenda Item #14

RE: Request for Approval to Settle and Pay Claim of Eric S. Buck

Date Claim Filed: September 30, 2003

Date Action Commenced: October 24, 2004

Date of Occurrence: August 1, 2003

Location: 520 Hyde Park Blvd.

Nature of Claim: Personal injuries due to alleged false arrest, unlawful imprisonment, battery, and violation of Civil Rights.

City Employee Involved: Dan Bird

Status of Action: Complaint filed. Trial date set.

Recommendation: Best interests of City to pay claim.

Amount to be Paid: \$7,500

Make Check Payable to: "David Gerald Jay, as attorney for Eric S. Buck"

Conditions: General Release to City and Stipulation of Discontinuance, approved by Corporation Counsel.

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

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

Yeas	5
Nays	0

APPROVED

NIAGARA FALLS MEMORIAL MEDICAL CENTER, BANNER REQUEST

Agenda Item #15

RE: Approval of Niagara Falls Memorial Medical Center Banner Request

Niagara Falls Memorial Medical Center is requesting permission to hang decorative banners on light poles and utility poles in the immediate neighborhood of the medical center, The Heart Center of Niagara and the Hamilton B. Mizer Primary Care Center. The area would be bounded by Ferry Avenue to the south, Portage Road to the east, Pine Avenue to the north and Tenth Street to the west. They anticipate hanging the banners mid-April and leaving them up until they become weathered.

Subject to receipt of approval from Nation Grid and the City being named as Additional Insured on the Medical Center's insurance policy and that the banners will be placed so as not to interfere with traffic, will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

The following was RECEIVED AND FILED:

Agenda Item #16

Draft Zoning Ordinance and Comprehensive Plan

RESOLUTION: SPC. LORNE E. HENRY, HONORING, 2007-23

Agenda Item #17

RELATIVE TO HONORING THE MEMORY OF SPC. LORNE E. HENRY

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

WHEREAS, word was received on Wednesday, February 28<sup>th</sup>, 2007 that Spc. Lorne E. Henry , the 21 year old NFHS graduate who mastered swimming in two years and went on to be a specialist in the Army, died in Iraq when an explosion rocked the truck he was driving early Tuesday, February 27<sup>th</sup>, 2007; and

WHEREAS, the second-oldest of four brothers, Spc. Henry graduated from Niagara Falls High School in 2003 and was sworn into the United States Army Military as a Combat Engineer on March 2<sup>nd</sup>, 2004. He attended St. Charles Borromeo Roman Catholic Church on Lindbergh Avenue in Niagara Falls where he served as an alter server; and

WHEREAS, a member of the Niagara Falls High School Swim team, his coach encouraged Spc. Henry to join the swim team when he was in his sophomore year. Within two years, he went from being a junior varsity swimmer to a member of one of his top varsity relays. He also was a member of the junior varsity and varsity football team; and

WHEREAS, Spc. Henry was based out of Fort Drum in northern New York and his tour of duty was slated to end in August. Family and friends remember him with having charm, charisma and the biggest heart for pleasing everyone before himself.

NOW THEREFORE BE IT RESOLVED by the City Council of Niagara Falls, New York that we hereby honor the memory of Spc. Lorne E. Henry, a native of the City of Niagara Falls, New York, and send condolences to his family and friends.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: SCHOOL ELECTION, USE OF POLLING PLACES, 2007-24

Agenda Item #18

RELATIVE FOR USE OF POLLING PLACES FOR THE ANNUAL SCHOOL ELECTION

- BY: Council Chairman Robert Anderson, Jr.
- Council Member Samuel Fruscione
- Council Member Chris Robins
- Council Member Lewis Rotella
- Council Member Charles A. Walker

WHEREAS, the Annual School Election will be held on Tuesday, May 15<sup>h</sup>, 2007. Attached (on file in the City Clerk's Office) is a communication from the School District of the City of Niagara Falls, New York requesting approval for the use of polling places in the City of Niagara Falls, New York.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: NIAGARA FALLS BOARD OF APPEALS, APPOINTMENT, 2007-25

Agenda Item #19

RELATIVE TO APPOINTMENT TO THE NIAGARA FALLS BOARD OF APPEALS

- BY: Council Chairman Robert Anderson, Jr.
- Council Member Samuel Fruscione
- Council Member Chris Robins
- Council Member Lewis Rotella
- Council Member Charles A. Walker

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Board of Appeals effective immediately to fill the unexpired term of Joseph Forgione who has resigned.

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Anthony Scricco, Sr.	12/31/2007
260 - 66 <sup>th</sup> Street	
Niagara Falls, NY 14304	
283-0819	

Yeas	5
Nays	0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, REAPPOINTMENT, 2007-26

Agenda Item #20

RELATIVE TO REAPPOINTMENT TO THE TOURISM ADVISORY BOARD

- BY: Council Chairman Robert Anderson, Jr.
- Council Member Samuel Fruscione
- Council Member Chris Robins
- Council Member Lewis Rotella
- Council Member Charles A. Walker

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Tourism Advisory Board effective immediately for the expiration date, which appears opposite his name:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
Frank Strangio	12/31/07
7708 Niagara Falls Blvd.	
Niagara Falls, NY 14304	

Yeas	5
Nays	0

ADOPTED

RESOLUTION: AMENDING CHAPTER 1111 OF THE CODIFIED ORDINANCES ENTITLED "PLUMBING CODE", 2007-27

Agenda Item #21

RELATIVE TO AMENDING CHAPTER 1111 OF THE CODIFIED ORDINANCES ENTITLED "PLUMBING CODE OF THE CITY OF NIAGARA FALLS, NEW YORK"

BY: Council Chairman Robert Anderson, Jr.

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1111 of the Codified Ordinances entitled "Plumbing Code of the City of Niagara Falls, New York", is hereby amended by amending Section 1111.09 entitled "Registration and Licensing of Journeymen Plumbers" to read as follows:

1111.09 REGISTRATION AND LICENSING OF JOURNEYMEN PLUMBERS.

(a) Definition. The term journeyman plumber as used in this section shall mean a mechanic who has served his apprenticeship or learned his trade or handicraft and works at it as a full-time employee of a master plumber.

(b) License Required. No person shall perform any plumbing work as a journeyman plumber in the City of Niagara Falls, New York, without being duly registered and licensed as provided hereinafter.

(c) Qualifications Required.

(1) Applicants for a journeyman's license shall meet one of the following requirements:

(a) Completion of a New York State approved apprenticeship program of plumbing instruction of at least four years duration.

(b) Completion of four years of plumbing instruction at a secondary education level vocational school, in addition to three years of practical experience of 1500 hours per year under the supervision of a master plumber.

(c) Completion of five years of practical plumbing experience of 1500 hours per year under the supervision of a master plumber.

(d) Application for a License.

(1) Any person meeting the qualification as set forth in Section 1111.09(c) and desiring a journeyman's license shall make application with the clerk of the Board upon the forms provided.

(2) The application shall be under oath and contain the following information: the name, social security number and address of the applicant; a statement of his experience and qualifications, his present employer and previous employers.

(3) The Board shall ascertain the qualifications of the applicant, and shall notify said applicant of their decisions.

(4) Any applicant who has been rejected by the Board shall have the right to appear before the Board and request an examination on practical plumbing. If the applicant attains a grade of 75% or more, he shall qualify and be entitled to a journeyman's license.

(e) Registration. Each applicant upon receiving the approval of the Board, shall be entitled to register his name with the clerk of the Board as a journeyman plumber, pay the required fees and receive a license. Upon payment of the fees required herein, such applicant shall receive a license as a journeyman plumber.

(f) Journeyman's Card. A journeyman shall at all times while in the performance of plumbing work in this City carry the identification card provided. Said card shall be exhibited upon demand to any plumbing inspector or other duly authorized agent of the Department of Inspections.

(g) Renewal of License. Each license shall expire on the last day of the month of each year in which it was issued, and may be renewed within thirty (30) days preceding such expiration. If the licensed is allowed to lapse, a reinstatement fee must be paid.

(h) Suspension or Revocation of Licenses. The Board may suspend or revoke a journeyman's license after a hearing for any of the following causes:

- (1) Submitting fraudulent information on an application for a license or renewal of said license.
- (2) Repeated violations of good workmanship or other provisions of this Code.
- (3) Allowing an unlicensed person in any manner to utilize said license to perform plumbing work in the City.
- (4) Failing to renew the license as required in §1111.09(g).]

(a) Definition: The term journeyman plumber as used in this section shall mean a mechanic who has served their apprenticeship or learned his trade or handicraft.

(b) License Required: No person shall perform any plumbing work as a journeyman plumber in the City of Niagara Falls, New York, without being duly registered and licensed as provided hereinafter.

(c) Qualifications Required: Applicants for a journeyman's license shall have one year experience in the business.

(d) Application for a License: Any person meeting the qualifications of 1111.09(c) and desiring a journeyman's license shall make application with the Clerk of the Board upon the forms provided.

(e) Examination: An applicant who has been accepted by the Board shall be given an examination. If the applicant obtains a passing grade, he shall be entitled to a journeyman's license. The Board shall determine a passing grade but in no case shall it be lower than 50 percent.

(f) Registration: Each applicant upon receiving the approval of the Board shall be entitled to register his name with the Clerk of the Board as a journeyman plumber, pay the required fee and receive a license.

(g) Journeyman's Card: A Journeyman shall at all times while in the performance of plumbing work in this City carry the identification card provided. Said card shall be exhibited upon demand to any plumbing inspector or other duly authorized agent of the Department of Inspections.

(h) Renewal of License: Each license shall expire one year from the date it is issued and may be renewed within 30 days preceding such expiration. If the license is allowed to lapse, a reinstatement fee must be paid.

(i) Suspension or Revocation of Licenses: The Board may suspend or revoke a journeyman's license after a hearing for any of the following causes:

- (1) Submitting fraudulent information on an application for a license or renewal of said license.
- (2) Repeated violations of good workmanship or other provisions of New York State, Water Board or City rules and regulations.
- (3) Allowing an unlicensed person in any manner to utilize said license to perform plumbing work in the City.

Bold and Underlining indicate Additions.

Bold and Brackets indicate {Deletions}.

Yeas  
Nays

5  
0

ADOPTED

RESOLUTION: AMENDING CHAPTER 111 OF THE CODIFIED ORDINANCES ENTITLED "PLUMBING CODE OF THE CITY OF NIAGARA FALLS, NEW YORK, 2007-

Agenda Item #22

RELATIVE TO AMENDING CHAPTER 1111 OF THE CODIFIED ORDINANCES ENTITLED "PLUMBING CODE OF THE CITY OF NIAGARA FALLS, NEW YORK"

BY: Council Chairman Robert Anderson, Jr.

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1111 of the Codified Ordinances entitled "Plumbing Code of the City of Niagara Falls, New York", is hereby amended by amending Section 1111.07 entitled "Inspectors of Plumbing" to read as follows:

1111.07 INSPECTORS OF PLUMBING

- (g) In the event the Chief Plumbing Inspector is **[not able] unable** to conduct an inspection as required herein due to illness, incapacity or unavailability **[for more than a twenty-four (24) hour period]**, such inspection may be conducted by a **[licensed master plumber designated by the Director] Certificate of Competency holder or any member of the Examining Board of Plumbers for the City of Niagara Falls, New York, designated by the Chief Plumbing Inspector or the Building Commissioner.** In such event, the **[licensed master plumber] designated inspector** shall be entitled to receive payment of \$45.00 from the City for each inspection conducted. However, such **[licensed master plumber] inspector** shall be prohibited from conducting an inspection of work performed by **[such licensed master plumber] a company that he may be currently employed by.**

Bold and Underlining indicate **Additions**.

Bold and Brackets indicate **{Deletions}**.

Council Member Robins moved to table the Resolution.

Yeas

5

Nays

0

MOTION TO TABLE APPROVED

RESOLUTION: NIAGARA RIVER GREENWAY PLAN, APPROVAL, 2007-28

Agenda Item #23

RELATIVE TO THE APPROVAL OF THE NIAGARA RIVER GREENWAY PLAN

BY: Council Chairman Robert Anderson, Jr.

Council Member Samuel Fruscione

Council Member Chris Robins

Council Member Lewis Rotella

Council Member Charles A. Walker

WHEREAS, On September 21, 2004, Chapter 460 was approved, enacting Article 39 of the New York Parks, Recreation and Historic Preservation Law ("PRHPL"), in relation to establishing the Niagara River Greenway Commission (the "Commission") and providing for the membership and powers and duties thereof; and

WHEREAS, the purpose of the Commission is to undertake all necessary actions to facilitate the creation of a Niagara River Greenway (the "Greenway"). The Commission was charged to develop a plan and generic environmental impact statement for the creation of the Greenway designed to enhance waterfront access, complement economic revitalization of the communities along the river and ensure the long-term protection and maintenance of the natural, cultural and historic resources of the Greenway; and

WHEREAS, the Commission has contracted with a team of consultants led by the firm of Wendel-Duchscherer to assist the Commission in the development of the plan following the provisions of Chapter 460, with the aid of the Local Government Advisory Committee and Citizens Advisory Committee to advise on matters of interest; and

WHEREAS, a Niagara River Greenway Plan (the "Plan") was professionally prepared with an extensive public participation process that involved more than 500 residents and civic leaders from throughout the Greenway area; and WHEREAS, the Plan establishes a unified vision and a set of principles for the Greenway. It identifies the assets and resources that make up the Greenway. It sets priorities that suggest the types of activities to target in the near-term. It identifies potential funding sources, partnerships and linkages, and addresses key transportation issues that affect the Greenway. The Plan also discusses several high priority "Implementation Concepts" which describe system-wide approaches and strategies for Greenway development; and WHEREAS, Section 39.07 of the New York PRHPL states in part that "the local legislative body of each city, town, or village within the boundaries designated by the draft plan must approve the plan following the public hearing or hearings and before it is submitted to the Commissioner" of the New York State Office of Parks, Recreation and Historic Preservation for approval; and

WHEREAS, local approval of the Plan will not impact municipal or school district autonomy, and

WHEREAS, approval of the Plan will lead to a variety of benefits for the Greenway area, including but not limited to:

- strengthening its cultural and historical identity; and
- providing technical assistance and increased funding opportunities for projects within the Greenway area; and

WHEREAS, the City of Niagara Falls is a municipality that falls within the boundaries of the Greenway; and

WHEREAS, the City of Niagara Falls has reviewed the Plan,

NOW, THEREFORE, BE IT RESOLVED that the City of Niagara Falls supports the vision of the Plan that "The Niagara River Greenway is a world-class corridor of places, parks and landscapes that celebrates and interprets our unique natural, cultural, recreational, scenic and heritage resources and provides access to and connections between these important resources while giving rise to economic opportunities for the region"; and

BE IT FURTHER RESOLVED that the City Council of the City of Niagara Falls hereby approves the Plan, as clarified in the March 8, 2007 letter from Robert J. Kresse, Chairman of the Commission, and recommends that the Plan, as clarified, be approved by the Commissioner of NYS Office of Parks, Recreation and Historic Preservation; and

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a certified copy of this resolution to the Niagara River Greenway Commission, c/o Beaver Island State Park, 2136 West Oakfield Road, Grand Island, NY 14072.

Yeas

5

Nays

0

ADOPTED

#### EMERGENCY DEMOLITION, FUNDING

##### Agenda Item #24

RE: Approval of request to transfer funds for emergency demolitions

Please be advised that the 2007 funding for emergency demolitions historically obtained from the Community Development Department is unavailable.

Unfortunately, there are a number of structures throughout the City, that are in need of immediate demolition due to unsafe conditions. Therefore, it is necessary to transfer funds to the Inspection Department's demolition line.

Based on recent figures, the Inspections Department estimates that \$250,000.00 is needed for the emergency demolitions remaining in 2007.

To facilitate the transfer, the \$250,000.00 sum should be transferred as: \$150,000 from Appropriated Fund Balance A.0000.4999.000 and \$100,000 from Undesignated Services TR.1999.0000.04449.599 to A.3620.0000.0449.012 Demo and Board Up Costs in the Inspections Department.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

Agenda Item #25

RELATIVE TO THE AMERICAN STROKE ASSOCIATION'S POWER OF STROKE CAMPAIGN  
BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

WHEREAS, on Monday, March 26<sup>th</sup>, 2007, the American Stroke Association will announce the support of the Niagara Falls Memorial Medical Center and the Niagara Falls Family YMCA to help raise awareness and educate communities on the warning signs of stroke through their new campaign, "The Power of Stroke...You are the Power"; and

WHEREAS, strokes are the third leading cause of death in the United States striking about 700,000 Americans each year. Stroke is a leading cause of serious long-term disability in the United States with about 4.8 million stroke survivors today; and

WHEREAS, on average a stroke occurs every 45 seconds in the United States. On average, someone dies of a stroke every 3 minutes. In 2005, the estimated direct and indirect cost of stroke was about \$56.8 billion dollars; and

WHEREAS, African-Americans have almost twice the risk of first-ever stroke. Sickle cell disease is the most important cause of ischemic stroke among African-American children; and

WHEREAS, the majority of Americans are not aware of their risk factors for a stroke, nor are they aware of the signs and symptoms of an impending stroke; and

WHEREAS, warning signs of stroke include: sudden numbness or weakness of the face, arm or leg, especially on one side of the body; sudden confusion, trouble speaking or understanding; sudden trouble seeing in one or both eyes; sudden trouble walking, dizziness, loss of balance or coordination; and sudden severe headache with no known cause; and

WHEREAS, the American Stroke Association has committed itself to educating the African-American community of the increased risk of stroke and how to prevent it with its new campaign, "The Power of Stroke...You are the Power."

NOW, THEREFORE BE IT RESOLVED, that the Niagara Falls City Council supports The American Stroke Association's Power of Stroke Campaign across the Greater Niagara Region by urging the members of our communities to familiarize themselves with the warning signs, symptoms, and risk factors associated with stroke so that we might begin to reduce the devastating effects that a stroke makes on our population.

Yeas 5  
Nays 0

ADOPTED

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

Carol A. Antonucci  
City Clerk



APRIL 2, 2007

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the April 2, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Rotella moved to approve the Minutes from the City Council Meetings of March 5 and March 19, 2007.

Yeas 5  
Nays 0

APPROVED

Marge Gillies of the Niagara Beautification Commission gave the first quarterly report for the year. She noted that the City is looking better, but not good. She expressed concern about waste receptacles that are uncovered and overflowing with trash, rather than items of litter. She commended the Sheriff's Work Program for the work done to clean up the City, and suggested changes to the City Ordinances to require that trash be kept in covered containers, rather than plastic bags. She also asked for volunteers for Operation Clean Sweep, to be held on April 21.

Senior Planner Tom DeSantis gave a presentation on the progress of the Train Station Project. Additional criteria for the Project has been added by Homeland Security, along with environmental studies and historic preservation concerns. This is a \$30-\$35 million dollar Project, that will be completed in phases beginning with Phase I in 2008, and completing Phase III by 2012.

Mayor Vincenzo V. Anello introduced City Administrator William Bradberry. In his Administrative Update, Mayor Anello again suggested establishing a Board to screen requests for use of interest monies generated by the Casino funds. He also spoke about meeting with Council Member Robins to discuss the vacancies on the Youth Board. Council Member Walker asked about a Director for the Youth Programs, and the Mayor replied that job specs are being drafted. During the discussion, Council Member Robins suggested approaching various groups, such as the churches, the School District, and the Boys and Girls Club for suggestions of names to serve on the Youth Board.

The Mayor also spoke on the need for additional funding for temporary workers to do pothole repairs and cleanups, and said that the businesses need to get involved in keeping their own areas clean.

Council Member Rotella asked about the expected date for the new blacktop machine to be in use, and Purchasing Agent Dean Spring informed him that the truck to be used with the machine should be delivered any day. The Mayor said that a specific crew would be assigned to work with the new equipment.

Chairman Anderson asked about repairs to Buffalo Avenue in the area of the Grand Island Bridge, and the Mayor replied that there was much repair work to be done throughout the City, but funding was needed for additional workers and materials.

Council Member Robins inquired about NFR, and Acting Corporation Counsel Damon DeCastro replied that they have been given an extension while negotiations are ongoing.

Council Member Rotella asked for three estimates before funding was approved for the roof for the Niagara Arts and Cultural Center (Agenda Item #6). Deputy Corporation Counsel Thomas O'Donnell said that he had not seen any bids, and Council Member Walker noted that the funding agreement sets parameters for the money to be turned over.

Council Member Walker asked how much longer before work would begin on the Lockport Street Bridge (Agenda Item #7), and Civil Engineer Robert Buzzelli informed him that the NYS DOT was in charge of the Project, and would determine the time frame. Mayor Anello added that the City Engineering Department had completed their part of the work on the Project over two years ago.

Council Member Walker inquired about the next step for the Tract II Environmental Restoration Site (Agenda Item #8), and Mr. O'Donnell responded that the State still needs to do more on the Project.

Mr. O'Donnell advised the Council Members of the consequences involved if Casino Funds are used to improve City streets (Agenda Item #11), and a discussion followed.

Rev. Seright informed the Council Members that the job training program he supervised had run out of funding, and, since the Council did not provide the additional funding he had requested, the program was ended.

This Session ended at 5:25 p.m.

Chairman Anderson reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The Chairman said the prayer and led the gathering in the Pledge of Allegiance to the Flag.

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

Ken Hamilton  
Carol Houwaart-Diez

Agenda Item #7  
Asked Council to consider using the resources of the United Way in deciding how the interest generated by the casino funds may be used. Funding for Youth activities especially basketball courts at Hyde Park.

Ken Hamilton

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: MEALS FOR PRISONERS, PSNF, INC.

Agenda Item #1

RE: Meals for Prisoners, Bid #6-07

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

TO: PSNF, Inc.

McDonalds - City Market

1726 Pine Avenue

Niagara Falls, NY 14301

FOR: Meals for prisoners at the Public Safety Building

Breakfast (est. 4,900) \$.80

Lunch (est. 5,800) .90

Supper (est. 1,600): .90

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to 5 (five) vendors. The above referenced company submitted the lowest bid. One other bid was received from Burger King (breakfast \$1.05, Lunch \$2.50 and Supper \$2.50).

Funds for this expenditure are available in A3120.0001.0449.599.

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

Yeas

5

Nays

0

APPROVED

2007 BUDGET MODIFICATIONS, CDBG PROGRAM, HOME PROGRAM, ESG PROGRAM

Agenda Item #2

RE: Approval of budget modifications to reflect revised federal grants for the CDBG Program, HOME Program, and ESG Program

On October 23, 2006, City Council approved the FY' 2007 budgets for the Community Development, HOME, and Emergency Shelter Grant programs, based on projected funding to be received from the federal government.

The City has recently been notified of the actual grants awarded by the U.S. Department of HUD. The HOME Program sustained a \$49,341 grant reduction. The CDBG Program was awarded an additional \$2,518 while the ESG Program was awarded an additional \$2,335. Therefore, we are proposing the following budget modifications to reflect the revised federal grants:

FEDERAL GRANT	PROJECTED GRANT	REVISED GRANT	ACTIVITY TO BE REVISED	REVISED AMOUNT
Community Development Block Grant (CDBG)	\$2,600,000	\$2,602,518	Demolition	\$2,518 increase
HOME Investment Partnership Program (HOME)	\$600,000	\$550,659	Summit Village Housing HOME Administration	\$45,000 decrease \$ 4,341 decrease
Emergency Shelter Grant Program (ESG)	\$110,000	\$112,335	Community Missions	\$ 2,335 increase

Will Council vote to so approve and authorize the CD Project Administrator to make the necessary budget adjustments?

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

Yeas

5

Nays

0

APPROVED

CITY EMPLOYEES, SICK BANK

Agenda Item #3

RE: Approval of City employees sick bank

One of the City's employees has depleted her sick time and has continuing health concerns. Other employees have requested the opportunity to donate sick time to a sick bank for the benefit of this employee.

Will the Council authorize the establishment of a sick bank and allow employees to donate up to two (2) days of sick time to the bank?

Any time donated that is not used by this employee will remain in the sick bank for future use by other employees.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

ENGINEERING DEPARTMENT, STAFF REALIGNMENT, BUDGET AMENDMENT

Agenda Item #4

RE: Approval of budget amendment to realign staff in the Engineering Department

An upcoming retirement has allowed for the reallocation of job duties and the following changes are proposed in the Engineering administration expense account A.1440.0001. An Administrative Assistant position now with a 2007 budgeted salary of \$45,080.11 plus benefits would be abolished and a Principal Clerk position would be created at a budgeted salary of \$32,627.46 plus benefits would be created. In addition, a Jr. Account Clerk position at a 2007 budgeted salary of \$23,726.45 plus benefits would be abolished and an Account Clerk position at a salary of \$25,783.21 plus benefits would be created.

This realignment will result in savings of \$11,191.17 on an annual basis.

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

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

Yeas

5

Nays

0

APPROVED

PUBLIC WORKS ADMINISTRATION, STAFF REALIGNMENT, BUDGET AMENDMENT

Agenda Item #5

RE: Approval of budget amendment to realign staff in the Public Works Department

An upcoming retirement has allowed for the reallocation of job duties and the following changes are proposed in the Public Works administration expense account A.1490.0001. A Principal Account Clerk position now with a 2007 budgeted salary of \$37,034.09 plus benefits would be abolished and a Principal Clerk position would be at a budgeted salary of \$33,697.81 plus benefits would be created. In addition a Jr. Account Clerk position at a 2007 budgeted salary of \$22,799.32 plus benefits would be abolished and an Account Clerk position at a salary of \$23,589.21 plus benefits would be created.

This realignment will result in savings of \$2,741.19 on an annual basis.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA ARTS AND CULTURAL CENTER ROOF, CASINO FUNDS

Agenda Item #6

RE: Approval of funding agreement for Niagara Arts and Cultural Center Roof

At your December 4, 2006 meeting the Council approved the allocation of \$500,000 of Casino Funds for use as matching funds for the NACC roof project. Attached (on file in the City Clerk's Office) is a proposed Funding Agreement.

Will the Council so approve and authorize the Mayor to execute same? Council Member Rotella moved to table the communication.

Yeas 3

Fruscione, Rotella, Anderson

Nays 2

Robins, Walker

MOTION TO TABLE APPROVED

CONTRACT: RECONSTRUCTION OF LOCKPORT STREET BRIDGE, CSX TRANSPORTATION INC.

Agenda Item #7

RE: Approval of agreement with CSX Transportation Inc. regarding reconstruction of Lockport Street Bridge

Attached (on file in the City Clerk's Office) is a proposed construction agreement with CSX Transportation Inc.

This Agreement set forth the various responsibilities between the City's contractor and the railroad for the reconstruction of the Lockport Street overpass. Funds are included in the budget for this project which is a Federal Aid eligible project.

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

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

Yeas 5

Nays 0

APPROVED

TRACT II ENVIRONMENTAL RESTORATION SITE, EXECUTION OF DEED RESTRICTION

Agenda Item #8

RE: Approval of the execution of a deed restriction on the Tract II Environmental Restoration Site

The City has previously entered into a State Assistance Contract with the New York State Department of Environmental Conservation for work at the above referenced site.

The DEC intends to proceed with implementation of the record of decision for the site that was released in March of 2003 using State Superfund resources.

As part of the requirements under our State Assistance Contract it is necessary that a deed restriction on the property be executed and recorded in the Niagara County Clerk's Office.

A copy of the Covenants and Deed Restrictions are attached (on file in the City Clerk's Office) hereto.

Will the Council so approve and authorize the Mayor to execute same and any other necessary documents acceptable to the Corporation Counsel?

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

Yeas 5

Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: ROBERT J. BZINAK

Agenda Item #9

RE: Request for Approval to Settle and Pay Claim of Robert J. Bzinak  
 Date Claim Filed: February 22, 2007  
 Date Action Commenced: N/A  
 Date of Occurrence: February 16, 2007  
 Location: 300 Block Spruce Avenue  
 Nature of Claim: Damage to 1997 Cadillac from City police vehicle  
 City Driver: Officer Kristina Jordan  
 Status of Action: Claim stage.  
 Recommendation: Best interests of City to pay claim.  
 Amount to be Paid: \$587.09  
 Make Check Payable to: "Robert J. Bzinak"  
 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 Fruscione moved that the communication be received and filed and the communication approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL OF RESOLUTION 2007-27

Agenda Item #10

RE: Notice of Mayor's Approval of Resolution 2007-27

Please be advised that on March 21, 2007 Mayor Vincenzo V. Anello duly approved Resolution 2007-27, relative to amending Chapter 1111 of the Codified Ordinances entitled "Plumbing Code of the City of Niagara Falls, New York.

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: UNIMPROVED ROADS OF OAK PLACE, POINT AVENUE AND CREEKSIDE DRIVE, 2007-30

Agenda Item #11

RELATIVE TO THE UNIMPROVED ROADS OF OAK PLACE, POINT AVENUE AND CREEKSIDE DRIVE IN THE CITY OF NIAGARA FALLS

BY: Council Chairman Robert Anderson, Jr.

Council Member Samuel Fruscione

Council Member Chris Robins

Council Member Lewis Rotella

Council Member Charles A. Walker

WHEREAS, since the residents of the above names streets are most likely not the original owners of the houses, it is the recommendation of the City Council that casino funds be used to resurface these unimproved roads; and

WHEREAS, this will eliminate an additional tax burden on an already over taxed residential area of the City of Niagara Falls; and

WHEREAS, this will retain the integrity of those neighborhoods and increase the value of the properties in that area.

THEREFORE, the Niagara Falls City Council requests that casino funds be used to resurface and complete the unimproved roads of Oak Place, Point Avenue and Creekside Drive in the City of Niagara Falls, thus contributing to the quality of life for the residents in those areas and for their neighborhoods.

Yeas	5
Nays	0

ADOPTED

Council Member Robins noted that the roads will only be resurfaced.

RESOLUTION: RESIDENCY OF DEPARTMENT HEADS, 2007-31

Agenda Item #12

RELATIVE TO THE RESIDENCY OF DEPARTMENT HEADS

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

WHEREAS, on February 20, 2007, the City Council received and filed a memo from Corporation Counsel regarding the residency requirement; and

WHEREAS, the memo stated that "Every person commencing employment with the City on or after December 17, 1984, the effective date of such law, shall as a qualification of employment, become a resident of the City within six months of the date of initial service for the City. No individual shall cease to be a resident of the City during the term of such service"; and

WHEREAS, since then, the City Council has received numerous complaints regarding City Department Heads who are still in violation of the city's residency law.

THEREFORE, the Niagara Falls City Council requests that the City Administrator, the Human Resources Department and the Corporation Counsel follow the recommendations for providing notice of residency rule to Department Heads and to take residency in the City of Niagara Falls in sixty (60) days or their services will not be required.

Yeas  
Nays

5  
0

ADOPTED

The following was RECEIVED AND FILED:

Agenda Item #13

Comprehensive Plan and Zoning Ordinance Update: State Environmental Quality Review (SEQR) Schedule and Draft Generic Environmental Impact Statement.

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 7:18 p.m.

Carol A. Antonucci  
City Clerk



APRIL 16, 2007

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The first session of the April 16, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell.

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of April 2, 2007.

Yeas	5
Nays	0

APPROVED

In his Administrative Update, Mayor Vincenzo Anello said that:

1. The City Administrator had been meeting with the Department Heads and Council Members.
2. Hyde Park Lake had been stocked with brown trout, and the City was preparing for the youth Fishing Tournament.
3. The City held a Job Fair on April 10 and 11, and had received hundreds of applications for employment.
4. Two Police Officers were sworn in as Lieutenants today.
5. The Niagara Beautification Clean Up would begin at 8 AM on April 21, and volunteers were still needed.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of two Items to be added to the Agenda:

1. A Resolution relative to amending the composition of the Youth Board.

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

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #23.

2. A Resolution relative to appointments to the Youth Board.

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

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO THE AGENDA APPROVED

The Resolution was added to the Agenda as #24.

3. Council Member Robins asked to add to the Agenda the communication approving the funding agreement to use Casino funds for the Niagara Arts and Cultural Center Roof repairs that was tabled at the April 2, 2007 Meeting.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #25.

Council Member Fruscione had the following concerns:

1. He asked when an agreement for the West Mall would be presented to the Council for approval, and the Mayor said that the matter is still in the discussion stage. Extension cords used by the vendors present a hazard, and ground fault interrupters need to be installed.
2. The status of One Niagara is still being discussed by the Law Department.
3. City Administrator William Bradberry said that the Administration is still working on a plan to keep up with garbage cleanups in the downtown area, and the Mayor added that it is the responsibility of each business to keep their area clean. Council Member Rotella suggested that Modern be asked to provide an estimate for additional cleanups in the downtown area, and the Mayor asked for the Council's support on enforcement in the areas of the East and West Pedestrian Malls.

Council Member Robins asked about the Mayor's comment during his State of the City Address that there would be no property tax increases for three years, and the Mayor responded that the plan had been provided to the State for use of AIM funds.

City Engineer Robert Curtis informed Council Member Robins that the DEC had requested a walking survey of Lewiston Road with a health physicist to develop a plan to dispose of hazardous materials under the roadway, and that will delay the progress of the Project.

Council Member Robins asked which Budget line the funds would be taken from for a staff realignment in the Law Department (Agenda Item #6), and Acting Corporation Counsel Damon DeCastro said that the Controller has approved the transfer.

Council Member Walker spoke on Agenda Item #20, a Resolution he was sponsoring in his attempt to put together a team to begin the process of rebuilding/revitalizing Main Street. Mayor Anello said that he would give the Council a letter to support this endeavor.

This Session ended at 4:30 PM.

Chairman Anderson reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fruscione and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Albert Bouley  
Ken Hamilton  
Brigitte Shackleton

Ken Hamilton

Agenda Item #11  
Agenda Item #11  
Thank you to Council for Boom  
Day fireworks  
various concerns

The following was RECEIVED AND FILED:  
Agenda Item #1  
Claim's Report for March, 2007.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: INSTALLATION OF SYNTHETIC TURF AT HYDE PARK LAWN BOWLING COURT, PROPUTT OF WNY, INC.

Agenda Item #2

RE: Approval of recommendation to award contract for the installation of synthetic turf at Hyde Park Lawn Bowling Court

The following was the result of bids received on April 2, 2007, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
ProPutt of WNY, Inc. 3080 Delancey Road Niagara Falls NY 14305	\$109,906.00
Yarussi Construction, Inc	\$142,000.00
Mark Cerrone, Inc	\$158,880.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Pro Putt of WNY, Inc., at their Base Bid of \$109,906.00. It was originally estimated that the cost would be \$25,000.00 to restore the lawn and sprinkler system. This bid is based on installing an artificial surface and is preferred because it will be in place much more quickly and will be more durable. It will reduce the amount of bond funding available for other parks projects. The Funding is available in Code H0622.2006.0622.000.

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

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: GAS POWERED SINGLE DRUM ROLLER, SNOWFIGHTING EQUIPMENT & CONSULTANTS OF BUFFALO, INC.

Agenda Item #3

RE: Approval of recommendation to award Bid #5-07 for Gas Powered Single Drum Roller

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

TO: Snowfighting Equipment & Consultants of Buffalo, inc.  
PO Box 126 Southside Station  
Buffalo, NY 14220-0126

FOR: One (1) VIBCO Patchman series model GR-3200  
walk behind vibratory roller compactor: \$6,986.00

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to twelve (12) vendors. Two (2) bids were received. Admar Supply Co., Inc. submitted a bid of \$8,400.00.

Funds for this expenditure are available in H0626.2004.0626.0250.000. Council Member Fruscione moved that the communication be received and filed and the communication approved.

Yeas 5  
Nays 0

APPROVED

CONTRACT: RENTAL OF EQUIPMENT, NORTH AMERICAN INDUSTRIAL SERVICES

Agenda Item #4

RE: Approval of recommendation to award Bid #8-07 for Rental Of Equipment

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

TO: North American Industrial Services.

4870 Packard Road  
Niagara Falls, NY 14304

FOR: Items 12, 13, 49 and 50 per the attached tally sheet.

TO: Admar Supply Co., Inc.

1394 Main Street  
Buffalo, NY 14217

FOR: Items 11, 43-46, 51, 53, 57 and 58 per the attached tally sheet.

TO: Monroe Tractor

5035 Genesee Street  
Buffalo, NY 14225

FOR: Items 26, 27, 34 and 38 per the attached tally sheet.

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eight (8) vendors. Four (4) bids were received.

Funds for this expenditure are available in the various department equipment rental codes: .0442.003 and .0442.599.

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

Yeas

5

Nays

0

APPROVED

CONTRACT: CLEARING OF VACANT LOTS, SCAPES

Agenda Item #5

RE: Approval of recommendation to award Bid #9-07 for Clearing of Vacant Lots

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

TO: Scapes

Niagara Falls, NY 14304

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

1. up to 35' frontage \$10.00/lot

2. 36' to 50' frontage 11.00/lot

3. 51' to 100' frontage 12.00/lot

4. 101' to 1 acre 13.00/lot

5. over 1 acre 14.00/lot

6. margins and improved property 7.50/man hour

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Five (5) vendors. Three (3) bids were received. The above referenced company submitted the lowest bid to meet our specifications.

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

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

Yeas

5

Nays

0

APPROVED

LAW DEPARTMENT: POSITION RECLASSIFICATION OF JR. ACCOUNT CLERK TO ACCOUNT CLERK

Agenda Item #6

RE: Approval of Law Department staff realignment budget amendment

Council Members:

At the March 24, 2007 meeting of the Municipal Civil Service Commission, the Commission approved a reclassification request for Jr. Account Clerk to the position of Account Clerk in the Law Department.

The Jr. Account Clerk 2007 budgeted salary is \$24,686.49 plus benefits and the Account Clerk position is \$25,492.74 plus benefits.

Funds are available to transfer within the Law Department budget to cover the increase of \$806.25.

Will the Council so approve.

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

Yeas 1

Fruscione

Nays 4

Robins, Rotella, Walker, Anderson

DEFEATED

CONTRACT: LASALLE NEIGHBORHOOD FACILITY

Agenda Item #7

RE: Approval of Lease Agreement for LaSalle Neighborhood Facility

Council Members:

Attached (on file in City Clerk's Office) is the 2007 lease agreement between the City and Niagara County for the LaSalle Neighborhood Facility at 9501 Colvin Boulevard, for the period of January 1, 2007 through December 31, 2007 under which the County pays an annual rental of \$2,431.00.

Will the Council approve the attached lease agreement and authorize the Mayor to execute same?

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

Yeas 5

Nays 0

APPROVED

CONTRACT: HEALTH ASSOCIATION OF NIAGARA COUNTY, INC.

Agenda Item #8

RE: Approval of Agreement with the Health Association of Niagara County, Inc.

Council Members:

The City staff recommends that the City renew the agreement (on file in City Clerk's Office) with the Health Association of Niagara County, Inc. to provide recreation services for adults sixty years of age and older.

The City's expenses of this program will be in an amount not to exceed \$10,000.00 during the period of April 1, 2007 through March 31, 2008. Funds are included in the 2007 budget.

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

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

Yeas 5

Nays 0

APPROVED

CONTRACT: NIAGARA COUNTY FOR SENIOR CITIZEN REFERRAL PROGRAM

Agenda Item #9

RE: Approval of Agreement with Niagara County for Senior Citizen Referral Program

Council Members:

Enclosed please find a proposed agreement (on file in City Clerk's Office) with the County of Niagara. The County will reimburse the City \$9,025.00 for providing the services during the period January 1, 2007 to December 31, 2007.

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

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: IRISH PROPANE CORPORATION

Agenda Item #10

Re: Approval of Agreement with Irish Propane Corporation

Council Members:

The City, using Homeland Security Funds administered through the County of Niagara is installing emergency generators at the five (5) fire halls.

As part of that process propane tanks are being installed which will provide the fuel for the generators.

Attached (on file in City Clerk's Office) is a proposed Agreement and Addendum with Irish Propane covering the furnishing of the tanks and the initial supply of propane.

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

Council Member Rotella moved that the communication be tabled.

Yeas 5  
Nays 0

TABLED

CHARTER AMENDMENT, MAYOR, VOTING COUNCIL MEMBER

Agenda Item #11

Re: Charter Amendment

Council Members:

On March 5, 2007 I requested that the Council enact amendments to make the Mayor's position a voting member of the City Council.

To date the Council has taken no action.

I had requested this, so that the required referendum could be placed before the voters this summer, so that if approved it would take effect with the elections this fall.

As it takes two (2) Council meetings to propose and approve these changes followed by a separate public hearing before the Mayor and then at least 60 days must pass before a referendum can be held, I would ask that the Council enact these proposed changes immediately.

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

Yeas 0  
Nays 5

DEFEATED

TOURISM DEPARTMENT, EVENTS SECRETARY POSITION RECREATION

Agenda Item #12

Re: Approval of recreation of Events Secretary position

Council Members:

It is recommended this position be reestablished to offer the proper functioning of the events run by the City. The annual cost of this position is shown below with the appropriate account numbers. Since approximately 73% of the year remains the cost for the balance of the year for this position would be \$27,708.61.

Transfer funding to:		
T.6410.0000.0110.000	Biweekly Payroll	\$20,982.00
T.6410.0000.0810.000	FICA	1,605.00
T.6410.0000.0860.000	Health Insurance	13,854.00
T.6410.0000.0861.000	Dental Insurance	1,440.00
T.6410.0000.0830.000	Life Insurance	

76.00

Total cost \$37,957.00 X 73% = \$27,708.61.

Transfer funding from:

T.6410.0000.0467.000	\$27,708.61
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Will the Council so approve?

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

Yeas	0
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Nays	5
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DEFEATED

CABLE COMMISSION, BUDGET AMENDMENT

Agenda Item #13

Re: Approval of Budget Amendment related to the Cable Commission

Council Members:

The Cable Television Commission has been inactive for several years and with the recent change of the company providing cable service both the Administration and the Council believe it is appropriate to reestablish the Cable Television Commission.

Will the Council appropriate \$3,000 from Fund Balance to provide a \$1,000 per commissioner annual compensation?

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

Yeas	5
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Nays	0
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APPROVED

COURT HOUSE PROJECT, DEVELOPER COSTS

Agenda Item #14

Re: Approval of payment of Invoice #12 to pay Developer costs for Court House Project

Council Members:

Attached (on file in City Clerk's Office) is Invoice #12 from the Developer for \$177,281.38.

Will the Council approve the payment?

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

Yeas	5
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Nays	0
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APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: JACK RAWLEIGH

Agenda Item #15

Re: Approval of settlement of claim of Jack Rawleigh in the amount of \$5,094.33

Council Members:

Date of Occurrence: May 12, 2005

Location: 66<sup>th</sup> Street & Niagara Falls Blvd.

Nature of Claim: No fault insurance arbitration

City Driver: Jacqueline Wiegel

Status of Action: Arbitration decision

Recommendation: Best interests of City to pay claim.

Amount to be Paid: \$5094.33

Make Check Payable to: "Liberty Mutual Insurance Company  
a/s/o Jack Rawleigh"

Conditions: Appropriate documentation, 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 Fruscione moved that the communication be received and filed and the communication approved.

Yeas 5

Nays 0

APPROVED

RESOLUTION: DETERMINATION AND FINDINGS, 2007-32

Agenda Item #16

Re: Approval of Determination and Findings with respect to the acquisition of land necessary to construct new City Court Facilities

Determination and Findings

In accordance with §204 of New York's Eminent Domain Procedure Law ("EDPL"), the City of Niagara Falls, New York ("City") sets forth its Determination and Findings with respect to the City's acquisition of real property necessary to construct improved court facilities.

WHEREAS, the existing court facilities in the City are inadequate and there is an immediate and critical need to improve these facilities; and

WHEREAS, the City seeks to construct a four-story, 130,000 square foot Municipal Public Safety Complex ("Complex") to provide adequate court facilities for the residents of the City. The Complex will consist of a courthouse with at least three courtrooms, a City police station headquarters, and a holding center to service both the courthouse and the police station for the use and benefit of all residents of the City; and

WHEREAS, various sites for the Complex were considered, including a site on North Main Street comprised of property bounded by Cleveland Avenue, Main Street, South Avenue and Tenth Street in the City ("proposed site"); and

WHEREAS, construction of the Complex at the proposed site will require the City to obtain title to at least five parcels of real property including, but not limited to, the parcels identified as follows:

1917 Main Street, having a Section Block Lot ("SBL") number of 144.046-2-40 and a record owner listed as Main Street Business and Professional Association of Niagara Falls, New York, Inc. ("MSBPA"), and

1919 Main Street, having a SBL# of 144.046-2-41 and a record owner also listed as MSBPA, and

1921 Main Street, having a SBL# of 144.046-2-42 and a record owner also listed as MSBPA, and

1931-33 Main Street, having an SBL# of 144.046-2-6 and a record owner listed as Monica Inez Boyle, and

915 Cleveland Avenue, having an SBL# of 144.046-2-44 and a record owner listed as Kenneth Smith (collectively referred to as "subject parcels"); and

WHEREAS, the City of Niagara Falls Planning Board ("Planning Board") designated itself Lead Agency for the Complex project and fully reviewed the environmental impacts of this project in full compliance with the State Environmental Quality Review Act (Article 8 of New York State's Environmental Conservation Law) and with Title 6 of the Codes, Rules and Regulations of the State of New York, Part 617 (collectively "SEQRA"); and

WHEREAS, the Planning Board held a Public Hearing and, on March 14, 2007, adopted a Negative Declaration determining that the construction of the Complex on the proposed site, and condemnation of the real property necessary, would have no significant impact on the environment; and

WHEREAS, a Notice of Public Hearing regarding the City's proposed acquisition of property at the proposed site by eminent domain was served and duly published in the *Niagara Gazette* on February 23, 24, 25, 26 and 27, 2007, in accord with the requirements set forth in EDPL §202; and

WHEREAS, on March 19, 2007, at or about 7:00 p.m., pursuant to the aforesaid notice and in accord with EDPL §203, a Public Hearing was held regarding the proposed condemnation at the Niagara Falls City Hall, 745 Main Street in Council Chambers; and

WHEREAS, Kirk Burzynski, a representative of Ciminelli Development Co., Inc., a developer retained by the City, summarized the history of the Complex project, detailed the proposed Complex, presented a map showing the proposed site for the Complex and the location of each of the subject parcels and the reasons for selection of the proposed site; and

WHEREAS, John Garas, Esq., an attorney for the developer, presented a summary of the potential environmental impacts associated with the condemnation and ultimate development of the Complex at the proposed site that were reviewed by the Planning Board in conjunction with its SEQRA review. The Negative Declaration and all documents relied upon by the Planning Board in issuing its Negative Declaration were entered into the record; and

WHEREAS, people in attendance at the hearing were given a full opportunity to present oral and/or written statements and to submit other documents concerning this project and a transcript of the testimony was recorded; and

WHEREAS, three individuals owning real property at the proposed site, or representing an organization owning such real property, addressed the City Council at the Public Hearing. Kenneth Smith, stated a general objection to the City's acquisition of his property at 915 Cleveland Avenue by eminent domain. Claudia Miller, president of the MSBPA, stated that her organization was willing to let the property be taken by eminent domain but expected fair market value for its property if the City and the MSBPA could not agree to a mutually agreeable method of recognizing Main Street's benefactors. John Drake, a representative of the owner of 1901 Main Street, stated that a purchase agreement to transfer title to this property has been signed and that he fully supports the project; and

WHEREAS, a copy of the hearing record will be available to the public for examination without cost during normal business hours at the Office of the Clerk of the City of Niagara Falls, 745 Main Street, Niagara Falls, New York 14302.

NOW THEREFORE BE IT RESOLVED that, based on the foregoing and the testimony received at the March 19, 2007 Public Hearing, the City of Niagara Falls hereby determines and finds that:

1. The proposed construction of the Municipal Public Safety Complex will serve the immediate and critical need of providing the residents of the City of Niagara Falls improved and adequate court facilities.

2. The construction of the Complex will serve the public purpose of providing necessary court facilities for the use and benefit of the public.

3. The City seeks to locate the Complex on the parcels of real property bounded by Cleveland Avenue, Main Street, South Avenue and Tenth Street in the City.

4. The reason the proposed site has been selected for the construction of the Complex is because of the site's central location and the City's desire to promote redevelopment in this area of the City.

5. The construction of the Complex on this site will improve this area of the City and have a general positive effect on the residents of the locality and the environment.

6. The City will proceed with the acquisition of parcels at the proposed site, including but not limited to the parcels identified as 1917 Main Street, 1919 Main Street, 1921 Main Street, 1931-33 Main Street and 915 Cleveland Avenue pursuant to New York's EDPL.

7. The City will publish and serve the synopsis attached hereto as Exhibit "A" in accordance with §204 of New York's EDPL and, thereafter, if deemed necessary, the City will file an action to obtain title by eminent domain in the Niagara County Supreme Court.

Council Member Robin moved to amend the Resolution by replacing with an amended copy

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

Council Member Walker moved to adopt the Resolution as amended.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: NATIONAL FAIR HOUSING LAW, 2007-33

Agenda Item #17

Relative to the 39<sup>th</sup> anniversary of the National fair Housing Law  
BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

WHEREAS, the Mayor of the City of Niagara Falls, in conjunction with the Niagara Falls City Council, marks the month of April 2007 to be the 39<sup>th</sup> Anniversary of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968; and

WHEREAS, Title VIII of the Civil Rights Act of 1968 prohibits discrimination in the sale, rental and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status; and

WHEREAS, the City of Niagara Falls believes that educating the public on their fair housing rights and responsibilities is a necessary step in reducing housing discrimination; and

WHEREAS, the City of Niagara Falls will continue to educate its residents cooperatively with local fair housing agencies such as the Highland Community Revitalization Committee, Inc.; and

WHEREAS, the City Council and the Mayor of the majestic City of Niagara Falls encourages all residents to know their fair housing rights and responsibilities and recognize the importance of equal housing opportunity for all.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, in conjunction with the Mayor, proclaim the month of April 2007 as "Fair Housing Month" in the City of Niagara Falls.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: MR. GEORGE DONALD TODINO, 2007-34

Agenda Item #18

Relative to recognizing Mr. George Donald Todino on attaining the rank of Eagle Scout

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

WHEREAS, on May 5, 2007, Mr. George Donald Todino will be awarded the Eagle Scout Rank from Troop #861 of the Boy Scouts of America; and

WHEREAS, An Eagle Scout is a Scout with the highest rank attainable in the Boy Scouting program of the Boy Scouts of America. Since its introduction in 1911, the Eagle Scout rank has been earned by more than 1.8 million young men; and

WHEREAS, requirements include earning a number of merit badges and demonstration of Scout Spirit, service and leadership. This includes an extensive service project that the Scout plans, organizes, leads and manages.

Eagle Scouts are presented with a medal and a badge that visibly recognizes the accomplishments of the Scout. Additional recognition can be earned through Eagle Palms, awarded for completing additional tenure, leadership and merit badge requirements; and

WHEREAS, Eagle Scouts are expected to set an example for other Scouts and to become the leaders in life that they have demonstrated themselves to be in Scouting. As such, they are disproportionately represented in the military, service academy graduates, major professions, business and politics.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, recognize George Donald Todino upon obtaining the rank of Eagle Scout from Boy Scout Troop #861.

Yeas  
Nays

5  
0

ADOPTED

RESOLUTION: JOHN A. DUKE NIAGARA FALLS SENIOR CITIZEN CENTER, 2007-35

Agenda Item #19

Relative to the 25<sup>th</sup> Anniversary of the John A. Duke Niagara Falls Senior Citizen Center

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

WHEREAS, the John A. Duke Niagara Falls Senior Citizen Center will celebrate their 25<sup>th</sup> Anniversary on Tuesday, May 1, 2007; and

WHEREAS, the Center held its grand opening and dedication on May 1, 1982; and

WHEREAS, the Center received its first grant from the Niagara County Office for the Aging in 1986 as part of the Niagara Nutrition for the Elderly Program in 1987; and

WHEREAS, the Center changed its name from the Niagara Falls Senior Citizen Center to the John A. Duke Niagara Falls Senior Citizen Center in 1988 and dedicated a new shelter, bocce courts and horseshoe pit in 1992 and its newest addition in 1997; and

WHEREAS, the Senior Center staff coordinates services/activities with outside non-for-profit senior services to provide a variety of activities to our City's elderly population; and

WHEREAS, the Center has expanded from providing senior services to becoming a community resource benefiting all age groups, with educational, recreational and health related programs; provides assistance in obtaining needed services to seniors and their families and provides a meeting place for groups providing support to seniors and their families.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that the John A. Duke Niagara Falls Senior Citizen Center has been a vital asset to the community through the years and we congratulate them on their anniversary of 25 years of operation and service to the City.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: USA NIAGARA OFFICE ASSIGNMENT, 2007-36

Agenda Item #20

Relative to asking that Kevin Cotrell be transferred from the State Regional Grants Office to the USA Niagara Office and be assigned to work with the Revitalization of Main Street Niagara Falls, USA, as a consultant

BY: Council Member Charles A. Walker

WHEREAS, the plans are forming to create a Historical District, capitalizing on the historical aspect of the underground railroad; and

WHEREAS, Kevin will be working with the Main Street Business and Professional Association, the City of Niagara Falls, and the Center City Community to bring it all together; and

WHEREAS, the theme will be North Star at the North End, Main Street Niagara Falls, USA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls that it requests that Kevin Cotrell be transferred from the State Regional Grants Office to the USA Niagara Office and be assigned to work with the revitalization of Main Street Niagara Falls USA, as a consultant.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: FUNDING FOR IRAQ, 2007-

Agenda Item #21

Relative to urging Congress to curtail funding for Iraq

BY: Council Member Charles A. Walker  
THIS ITEM WAS PULLED AND NO ACTION TAKEN

LOCAL LAW: AMENDING SECTION 565 OF ARTICLE XXXIV OF THE CHARTER, ENTITLED  
"NIAGARA Falls CABLE TELEVISION COMMISSION, 2007-3

Agenda Item #22

Relative to adopting a Local Law to amend the City Charter as amended,  
by amending Section 565 of Article XXXIV of the Charter, entitled  
"Niagara Falls Cable Television Commission", 2007-3  
NIAGARA FALLS LOCAL LAW No. 3 FOR THE YEAR 2007

A local law to amend the Niagara Falls City Charter as amended, by  
amending Section 565 of Article XXXIV of the Charter, entitled "Niagara Falls  
Cable Television Commission".

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 XXXIV entitled "Niagara Falls Cable Television  
Commission" to read as follows:

565. (1) There is hereby created a Cable Television  
Commission which shall consist of three members, to be appointed  
by the City Council.

(2) Each member of the Commission shall be appointed  
by a majority vote of the City Council for a term of three years,  
provided, however, that of the members first appointed, one shall  
be appointed for three years, one for four years, and one for five  
years from January first next succeeding their appointment  
provided however, that the term of the first appointed  
Commissioners shall also include the period from the date of  
appointment to the next succeeding January 1. Their successors  
shall be appointed for terms of three years each. Members shall  
continue in office until their successors have been appointed and  
qualified.

(3) The Commission shall annually elect one of its  
members to serve as chairman of the Commission and in such  
position shall act as the Chief Executive Officer of the  
Commission.

(4) Vacancies on the Commission occurring otherwise  
than by expiration of term shall be filled for the unexpired term  
in the same manner as original appointments.

**[(5) The compensation of the Commissioners shall be  
\$2,000 per annum during the full first year of their appointment  
and pro rated at said annual rate from the date of appointment to  
the first succeeding January One. Adjustments in the compensation  
of the Commissioners shall be made by the City Council upon the  
recommendation of the City Manager and should as nearly as  
practicable reflect the adjustments made for employees of the City  
not represented by a bargaining unit. In addition to the  
Compensation of the Commissioners, the City Council shall fix a  
sum or allowance for the costs and expenses of the Commission.]**

**(5) The compensation of the Commissioners shall be as  
provided for in the City budget.**

(6) Commission members shall be residents of the City  
of Niagara Falls, New York and shall represent a cross section of  
interests in the community and shall have such additional  
individual qualifications as may be prescribed by the City  
Council.

Section 2. This local law shall take effect as provided in the  
Municipal Home Rule Law.

**Underlining** and **Bold** indicate additions.

**Bold** and **[Brackets]** indicate deletions.

Yeas  
Nays

5  
0

ADOPTED

RESOLUTION: YOUTH BOARD, COMPOSITION, 2007-37

Agenda Item #23

RELATIVE TO AMENDMENT OF COMPOSITION OF YOUTH BOARD

BY: Council Member Chris Robins

WHEREAS, on March 1, 1965, the City Council of Niagara Falls adopted a resolution pursuant to the authority granted by Section 95 of the General Municipal Law, establishing a Youth Board; which resolution was subsequently amended by resolutions adopted January 27, 1973 and February 20, 1990; and

WHEREAS, it is in the best interest of the City to change the language of the provision relative to membership of said Niagara Falls Youth Board.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, that the provision regarding MEMBERSHIP in the resolution adopted on March 1, 1965 and as amended by resolutions adopted January 22, 1973 and February 20, 1990 is hereby further amended to read as follows:

"MEMBERSHIP" Youth Board shall consist of [18] 13 members all of whom shall be residents of the City of Niagara Falls, the said members to be appointed by the City Council. At least two (2) of the members shall be youths under 21 years of age. Members shall serve a term of three (3) years and are eligible for re-appointment for another consecutive three (3) year term. Members shall be ineligible for re-appointment for one (1) year after serving two (2) full terms. Members shall serve without pay. Vacancies shall be filled for an unexpired term in the same manner as the original appointment.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: YOUTH BOARD APPOINTMENTS, 2007-38

Agenda Item #24

RELATIVE TO APPOINTMENTS TO THE NIAGARA FALLS YOUTH BOARD

BY: Council Chairman Robert Anderson, Jr.  
 Council Member Samuel Fruscione  
 Council Member Chris Robins  
 Council Member Lewis Rotella  
 Council Member Charles A. Walker

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

APPOINTMENT	TERM EXPIRES:
Denise Garner 2244 Willow Avenue Niagara Falls, NY 14305 - 297-8492	12/31/09
Paul Barker III 2409 Woodlawn Avenue Niagara Falls, NY 14301 - 298-0411	12/31/08
Candace Corsaro 1826 North Avenue Niagara Falls, NY 14305 - 284-2177	12/31/07
Joseph Celenza 525 Riverside Drive Niagara Falls, NY 14303 - 285-4790	12/31/09
Patricia Travis 2119 North Avenue Niagara Falls, NY 14305 - 282-8793	12/31/08
Jeanette Stypa 717 - 87 <sup>th</sup> Street Niagara Falls, NY 14304 - 283-1430	12/31/09
Peter Eodice 456 - 71 <sup>st</sup> Street Niagara Falls, NY 14304 - 283-1228	12/31/08
Michael Lewis Ph.D. 800 Maple Avenue Niagara Falls, NY 14305 - 694-5969	12/31/08
Vincent Cancemi 3923 McKoon Avenue Niagara Falls, NY 14305 - 284-2688	12/31/07
Noreen Chapman 444 Memorial Parkway Niagara Falls, NY 14303 - 284-1303	12/31/09
Andrea D. Randle 1886 South Avenue Niagara Falls, NY 14305 - 304-1970	12/31/08
Alexandrea Dell - Youth Member 1303 Roselle Avenue - Niagara Falls, NY 14305 285-3718	12/31/07
Philip Mohr - Youth Member 4525 Lewiston Road - Niagara Falls, NY 14305 622-4505	12/31/07

Yeas  
Nays

5  
0  
ADOPTED

CONTRACT: NIAGARA ARTS AND CULTURAL CENTER ROOF, CASINO FUNDS

Agenda Item #25

RE: Approval of funding agreement to use Casino Funds for Niagara Arts and Cultural Center Roof

Council Members:

At your December 4, 2006 meeting the Council approved the allocation of \$500,000 of Casino Funds for use as matching funds for the NACC roof project. Attached (on file in Clerk's Office) is a proposed Funding Agreement. Will the Council so approve and authorize the mayor to execute same? Council Member Robins moved to remove item from the table.

Yeas	5
Nays	0

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

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Anderson recessed the meeting at 7:30 p.m. until Monday April 23, 2007 at 4:00 p.m.

Carol A. Antonucci  
City Clerk



APRIL 23, 2007

RECESSED COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The April 23, 2007 Recessed Meeting of the Niagara Falls City Council was called to order by Council Chairman Robert Anderson, Jr. at 4:10 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella and Charles Walker - 5.

After the roll was called, Chairman Anderson asked those present to observe a Moment of Silence for the Virginia Tech victims.

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

LAW DEPARTMENT: POSITION RECLASSIFICATION OF JR. ACCOUNT CLERK TO ACCOUNT CLERK

Agenda Item #6

RE: Approval of Law Department staff realignment budget amendment

Council Members:

At the March 24, 2007 meeting of the Municipal Civil Service Commission, the Commission approved a reclassification request for Jr. Account Clerk to the position of Account Clerk in the Law Department.

The Jr. Account Clerk 2007 budgeted salary is \$24,686.49 plus benefits and the Account Clerk position is \$25,492.74 plus benefits.

Funds are available to transfer within the Law Department budget to cover the increase of \$806.25.

Will the Council so approve?

Council Member Robins moved to reconsider.

Yeas 5  
Nays 0

APPROVED

Council Member Walker moved to amend by adding attachment (on file in Clerk's office).

Yeas 5  
Nays 0

APPROVED

Council Member Walker moved that the communication be approved as amended.

Yeas 5  
Nays 0

APPROVED

CONTRACT: IRISH PROPANE CORPORATION

Agenda Item #10

RE: Approval of agreement with Irish Propane Corporation

Council Members:

The City, using Homeland Security Funds administered through the County of Niagara is installing emergency generators at the five (5) fire halls.

As part of that process propane tanks are being installed which will provide the fuel for the generators.

Attached (on file in the Clerk's office) is a proposed Agreement and Addendum with Irish Propane covering the furnishing of the tanks and the initial supply of propane.

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

Council Member Fruscione moved to remove item from the table.

Yeas 5

Nays 0

APPROVED

Council Member Fruscione moved to amend by adding Addendum to Agreement.

Yeas 5

Nays 0

APPROVED

Council Member Walker moved to approve as amended.

Yeas 5

Nays 0

APPROVED

Chairman Anderson delegated Council Member Robins to conduct the rest of the Meeting.

Lawrence Bice, from Behan Planning Associates, gave an overview of changes to the Zoning Laws and Comprehensive Plan, which he said would facilitate and encourage development in the City.

Community Development Legal Counsel Richard Zucco and Environmental Assistant Derek Waltho said that this Presentation would start the process for the Council's comments.

Director of Inspections Guy Bax said that he saw good and bad points in the Plan, but he was not included in drafting the Plan. Also, there was no input from the Zoning Board of Appeals.

Council Member Rotella said that all concerned parties should work together toward a single Plan, and, possibly, a seminar could be held to achieve this.

Chairman Anderson felt that the Plan should be simplified.

Acting Corporation Counsel Damon DeCastro suggested that input from developers was also needed.

Council Member Robins asked that all those who had concerns with the Plan, including the Mayor, Corporation Counsel and Inspections Department, should put them in writing for the Council to consider.

City Administrator William Bradberry commented that the Presentation was a good starting point, and asked that all work together to make this Plan a reality.

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 5:20 p.m.

Carol A. Antonucci  
City Clerk



APRIL 30, 2007

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The first session of the April 30, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:09 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of April 16, 2007.

Yeas	5
Nays	0

APPROVED

There was no Administrative Update as both Mayor Anello and Administrator Bradberry were in Albany.

Council Member Robins asked City Engineer Robert Curtis for an update on the Lewiston Road Project. Mr. Curtis responded that there were no further developments but that his Department was keeping in close contact with the parties involved.

Council Member Robins asked Acting Corporation Counsel Damon DeCastro if there was anything new on the residency. Mr. DeCastro responded that he is waiting for a report from Human Resources and will get it to the Council as soon as he receives it. Council Member Robins also asked about the Eminent Domain for properties for the Court House and Mr. DeCastro responded that he would request the Council go into Executive Session at end of workshop.

Chairman Anderson questioned why the stops at "Inn on the Falls" and "Casales" were not included in the Trolley stops this year (Agenda Item #4). Mr. DeCastro said he was not involved in that agreement discussion but would relay concerns to the Mayor. Council Member Robins also questioned if the Occupancy Tax would be sufficient to cover the cost of the Trolley. Controller Maria Brown said that so far it appears it will, but she will keep reviewing the quarterly figures.

Regarding Agenda Item #5, Council Member Robins questioned why we could not use the Casino Funds approved for parking meters as we were not purchasing any. Mr. DeCastro said there were still issues on that so it was better not to use funds.

Council Member Robins also questioned why the need for picnic tables came up now instead of being addressed in the last Budget process. He suggested that all departments should have long range plans for items such as this. Chairman Anderson agreed.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of four Items to be added to the Agenda:

1. A communication relative to shared services between the City Controller's Office and the Department of Community Development

Council Member Robins 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

2. A communication relative to overtime for Grant's Writer.  
Council Member Robins moved to add the communication to the Agenda.  
Yeas 5  
Nays 0

MOTION TO ADD COMMUNICATION AGENDA APPROVED

The communication was added to the Agenda as #27

3. A resolution relative to amending Chapter 1111 of the Codified Ordinances  
Council Member Rotella 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 #28

4. A communication relative to funding three temporary patching crews  
Council Member Robins moved to add the communication to the Agenda.  
Yeas 5  
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The item was added to the Agenda as #29

Acting Corporation Counsel DeCastro requested a brief Executive Session to discuss Court House project.

Council Member Rotella moved to go into Executive Session at 4:35 p.m.  
Yeas 5  
Nays 0

APPROVED

Council Member Robins moved to end the Executive Session at 4:45p.m. and his motion was unanimously approved.

Chairman Anderson then adjourned the work session.

Chairman Anderson reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Robins 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:

Donna Heath  
Ken Hamilton  
Agnes Cicco  
Joe Luna  
Ken Hamilton

Agenda Item #14  
Agenda item # 2  
Hyde Park Lawn Bowling Greens  
Cataract Little Loop Football  
Hyde Park basketball courts  
and the selling of the  
property across from Trott  
building

The following was RECEIVED AND FILED:  
Agenda Item #1  
City Clerk's Report for March, 2007.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SIDEWALK REPLACEMENTS, VALERIE CONCRETE CONSTRUCTION, INC.

Agenda Item #2

RE: Approval of recommendation to award contract for sidewalk replacements to Valerie Concrete Construction, Inc. The following is the result of bids received on April 16, 2007, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Valeri Concrete Construction, Inc. 6655 Errick Rd. North Tonawanda, NY 14120	\$211,500.00
C & C Contractors	\$215,300.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Valeri Concrete Construction, Inc. in the amount of \$211,500.00. Funds are available under Public Works Code A5110.0200.0300.000, and all costs are totally reimbursable by New York State CHIPS Funds.

Additionally, the Contractor has agreed to extend the unit prices of his bid to complete sidewalk replacements for the Niagara Falls Water Authority, in the amount of \$20,000.00, under the Niagara Falls Water Board budget, pending authorization by the Niagara Falls Water Board Meeting on May 17, 2007. Therefore, the City Of Niagara Falls and the Niagara Falls Water Board will enter into a contract with Valeri Concrete Construction, Inc., to total \$231,500.00

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

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

Yeas  
Nays

5  
0

APPROVED

INSPECTIONS:ASSESSMENT AGAINST PROPERTIES FOR CHARGES INCURRED

Agenda Item #3

RE: Approval of recommendation to assess repair, demolition or boarding expenses to property owners. In accordance with Chapter 1133, Section 1133.08 of the Niagara Falls Building Code, 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 Niagara Falls Building Code.

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 Inspections.

Will the Council so order?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: NIAGARA FALLS BOULEVARD/PINE AVENUE TROLLEY, NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Agenda Item #4

RE: Approval of recommendation to award contract to Niagara Frontier Transportation Authority for Niagara Falls Boulevard/Pine Avenue Trolley.

Council Members:

The City has received the attached(on file in the City Clerk's Office) proposal from the Niagara Frontier Transportation Authority to operate the tourism trolley during the 2007 tourist season.

It is recommended that the alternative of only weekend operations between Memorial Day and June 24<sup>th</sup> and after Labor Day be accepted at the cost of \$170,508.00. It is also recommended that the City retain an option to expand the service during those periods if warranted.

Funding will come from the dedicated portion of the Occupancy Tax.

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

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

Yeas 5  
Nays 0

APPROVED

CASINO FUNDS INTEREST APPROPRIATION, PURCHASE OF PICNIC TABLES

Agenda Item #5

RE: Approval of recommendation to appropriate Casino Funds Interest for purchase of picnic tables.

Council Members:

The City has not replenished the picnic table inventory since 1992. Our present stock is in deplorable condition, many defective tables which have been repaired numerous times. These tables present issues of safety. There are not enough functional tables for the pavilions for which we charge a fee.

It is recommended that the City purchase 120 tables. Eighty (80) would be six (6) foot standard all wood tables at a cost of \$271.25 each. Forty (40) would be eight (8) foot steel and wood tables at a cost of \$214.00 each. These are available under State contract. Acquiring this number of tables would allow for replacements of the defective tables and also allow for the placement of more tables at parks throughout the City. The City Controller recommended that funding for this be taken from the Casino Fund interest.

Will the Council so approve and appropriate the sum of \$30,260.00 from the Casino Funds interest?

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

Yeas 5  
Nays 0

APPROVED

TOURISM DEPARTMENT, EVENTS SECRETARY POSITION RECREATION

Agenda Item #6

RE: Approval of recommendation to reestablish Events Secretary position.

Council Members:

It is recommended this position be reestablished to offer the proper functioning of the events run by the City. The annual cost of this position is shown below with the appropriate account numbers. Since approximately 73% of the year remains the cost for the balance of the year for this position would be \$27,708.61.

Transfer funding to:		
T.6410.0000.0110.000	Biweekly Payroll	\$20,982.00
T.6410.0000.0810.000	FICA	1,605.00
T.6410.0000.0860.000	Health Insurance	13,854.00
T.6410.0000.0861.000	Dental Insurance	1,440.00
T.6410.0000.0830.000	Life Insurance	76.00

Total cost \$37,957.00 X 73% = \$27,708.61.

Transfer funding from the General Fund, Fund Balance.

Will the Council so approve?

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

Yeas 0  
Nays 5

DEFEATED

TOURISM FUND, PAYMENT OF "BOOM DAYS" FIREWORKS DISPLAY

Agenda Item #7

RE: Approval of recommendation to authorize payment for "Boom Days" fireworks display from the tourism Fund.

Council Members:

Attached is an invoice for the fireworks that were held at the LaSalle Yacht Club as part of the "Boom Days" festivities.

It has been recommended that this be paid from the Tourism Fund.

Will the Council authorize payment of this amount from the Tourism Fund?

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

Yeas 5  
Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: SHA'VONNA JORDAN

Agenda Item #8

RE: Approval of settlement of claim of Sha'Vonna Jordan in the amount of \$1,415.00.

Council Members:

Date Claim Filed	March 21, 2007
Date Action Commenced:	N/A
Date of Occurrence:	February 20, 2007
Location:	Seventh Street
Nature of Claim:	Accident with City driver
City Driver:	Stephen Juzwicki
Status of Action:	Claim stage.
Recommendation:	Best interests of City to pay claim.
Amount to be Paid:	\$1,415.00
Make Check Payable to:	<b>"Sha'Vonna Jordan</b>
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 Fruscione moved that the communication be received and filed and the communication approved.

Yeas  
Nays

5  
0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #9

RE: Approval of Commissioner of Deeds Appointments for a term from June 1, 2007 to May 31, 2009.

The following have requested City Council approval for Commissioner of Deed for a term from June 1, 2007 to May 31, 2009.

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

Diane Bianco	504 College Avenue
William C. Caso, Jr.	1351 - 101 <sup>st</sup> Street
Betty E. Ivancic	1246 - 86 <sup>th</sup> Street
Richard A. Marasco	809 Vanderbilt Avenue
Louise M. Massaro	465 College Avenue
Gail M. Merino	9365 Rivershore Drive
Raffaella J. Pullo	921 Harrison Avenue
Robert D. Pullo	921 Harrison Avenue
Michelle Rotella	9118 Rivershore Drive
Toni M. Rotella	749 - 17 <sup>th</sup> Street
Jean Russo	749 - 17 <sup>th</sup> Street
John Zaroian	2751 Independence Avenue
Edith Penale	475 Cayuga Drive, Lewiston, NY 14092
Angelo Morreale	626 Sandlewood Drive, Lewiston, NY 14092
Louisa Morreale	626 Sandlewood Drive, Lewiston, NY 14092
Dominick Luna	4244 Terri Court, Lewiston, NY 14092
Nick Forester	3206 Michigan Avenue, Niag. Falls, NY 14305
Rocco Merino	9140 Rivershore Drive, Niag. Falls, NY 14304
John Hager	4695 Curtiss Court, Lewiston, NY 14092
Nadine Wasson	1215 86 <sup>th</sup> Street, Niag. Falls, NY 14304
Andrew Syruws	8611 Rivershore Drive, Niag. Falls, NY 14304
Arnie Littlewood	8124 W. Rivershore Drive, Niag. Falls 14304
Joe Luna	1318 Whitney Avenue, Niag. Falls, NY 14301
Michael Luna	4244 Terri Court, Lewiston, NY 14092
Jo Jo Allen	53 Expressway Village, Niag. Falls, NY 14304
Patty Allen	53 Expressway Village, Niag. Falls, NY 14304

Council Member Robins moved that the communication be amended by adding additional names to the list.

Yeas	5
Nays	0

APPROVED

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

Yeas	5
Nays	0

APPROVED AS AMENDED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

The following item was RECEIVED AND FILED

Agenda Item #10

At the Traffic Advisory Commission meeting held on April 11, 2007, the Commission

1] DENIED:

Item C of request submitted by Council Chairman Robert Anderson and Council Member Lewis Rotella on behalf of Blue Taxi & LaSalle Taxi to:

INSTALL TWO-SPACE TAXI STAND JUST EAST OF 303 RAINBOW BOULEVARD [DAREDEVIL MUSEUM].

Per City Ordinance, permission must be obtained from the abutting property owner and

the Museum owners advise that the available parking by their establishment is utilized as a Trailways Bus destination area and is needed for drop off and pick up of tourists.

2] TABLED:

Item D of request to:

INSTALL TWO-SPACE TAXI STAND ON THE NIAGARA STREET SIDE OF 360 RAINBOW BOULEVARD SOUTH [NIAGARA CENTER/FORMERLY KNOWN AS OCCIDENTAL BUILDING].

Despite numerous attempts to contact the owner's representative, as of the date of the meeting, permission had not been obtained to locate the taxi stand abutting this property.

2719 INDEPENDENCE AVENUE, INSTALL A 5' HANDICAP ACCESS SPACE

Agenda Item #11

At the Traffic Advisory Commission meeting held on April 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 2719 INDEPENDENCE AVENUE

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

Submitted By: Mary Pierson, 2719 Independence Avenue

It is requested that City Council approve this recommendation.

2719 INDEPENDENCE AVENUE, INSTALL A 5' HANDICAP ACCESS SPACE

It is requested that City Council approve this recommendation

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

Yeas

5

Nays

0

APPROVED

22<sup>ND</sup> STREET, BETWEEN CLEVELAND AVENUE AND SOUTH AVENUE, INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #12

At a Traffic Advisory Commission meeting held on April 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 22<sup>ND</sup> STREET, BETWEEN CLEVELAND AVENUE & SOUTH AVENUE

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

It is requested that City Council approve this recommendation.

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

Yeas

5

Nays

0

APPROVED

JERAULD AVENUE, BETWEEN 24<sup>TH</sup> STREET AND HYDE PARK BOULEVARD, INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #13

At a Traffic Advisory Commission meeting held on April 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON  
JERAULD AVENUE, BETWEEN 24<sup>TH</sup> STREET &  
HYDE PARK BOULEVARD

A Petition from the residents of this block was received with 67% signatures.  
Submitted By: Gary Strassburg, 2424 Jerauld Avenue & Petition/Residents of Block

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

Yeas 5  
Nays 0

APPROVED

B STREET, BETWEEN E STREET AND D STREET, INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #14

At a Traffic Advisory Commission meeting held on April 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON  
B STREET, BETWEEN E STREET & D STREET

A Petition from the residents of this block was received with 86% signatures.  
Submitted By: Donna Heath, 46 B Street and Petition/Residents of Block

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

Yeas 5  
Nays 0

APPROVED

436 4<sup>TH</sup> STREET, INSTALL A 5' HANDICAP ACCESS SPACE

Agenda Item #15

At the Traffic Advisory Commission meeting held on April 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 436 - 4<sup>TH</sup> STREET

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

Submitted By: Clifford Sebring, on behalf of his wife Karin, 436 - 4<sup>th</sup> Street

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

Yeas 5  
Nays 0

APPROVED

2746 INDEPENDENCE AVENUE, INSTALL A 5' HANDICAP ACCESS SPACE

Agenda Item #16

At the Traffic Advisory Commission meeting held on April 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2746 INDEPENDENCE AVENUE

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

Submitted By: Clara Serianne, 2746 Independence Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

2254 WOODLAWN AVENUE, INSTALL A 5' HANDICAP ACCESS SPACE

Agenda Item #17

At the Traffic Advisory Commission meeting held on April 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2254 WOODLAWN AVENUE

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

Submitted By: Barbara Woolson, 2254 Woodlawn Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

729 SPRUCE AVENUE, INSTALL A 5' HANDICAP ACCESS SPACE

Agenda Item #18

At the Traffic Advisory Commission meeting held on April 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 729 SPRUCE AVENUE

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

Submitted By: Amy Printup, 729 Spruce Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

1452 ELMWOOD AVENUE, INSTALL A 5' HANDICAP ACCESS SPACE

Agenda item #19

At the Traffic Advisory Commission meeting held on April 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 1452 ELMWOOD AVENUE

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

Submitted By: Daniel Vitch, Independence Living Specialist @ Independent Living of Niagara County, on behalf of Bernice Gregory, 1452 Elmwood Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

2212 CUDABACK AVENUE, INSTALL A 5' HANDICAP ACCESS SPACE

Agenda Item #20

At the Traffic Advisory Commission meeting held on April 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2212 CUDABACK AVENUE

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

Submitted By: Faron Bennett, 2212 Cudaback Avenue

It is requested that City Council approve this recommendation

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

Yeas 5  
Nays 0

APPROVED

10<sup>TH</sup> STREET, EAST SIDE ONLY, BETWEEN SOUTH AVENUE AND CLEVELAND, INSTALL ALTERNATE OVERNIGHT PARKING

Agenda item #21

At a Traffic Advisory Commission meeting held on April 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON  
10<sup>TH</sup> STREET [EAST SIDE ONLY], BETWEEN SOUTH  
AVENUE & CLEVELAND AVENUE

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

Submitted By: Sheri Robinson, 1921 - 10<sup>th</sup> Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

1611 MAIN STREET AND 333 FIRST STREET, INSTALL TWO SPACE TAXI STAND

Agenda Item #22

At a Traffic Advisory Commission meeting held on April 11, 2007, the Commission recommended APPROVAL of:

INSTALL TWO-SPACE TAXI STAND IN FRONT OF:

A] 1611 MAIN STREET [BURGER KING]

B] 333 FIRST STREET [TELETECH] \*\*

[\*\* If approved by City Council, this location will be forwarded to NYSDOT for their approval as it is located on a State arterial.]

Per City Ordinance, permission was obtained from the abutting property owners for these requests.

Submitted By: City Council Chairman Robert Anderson and Council Member Lewis Rotella on behalf of Blue Taxi and LaSalle Taxi

It is requested that City Council approve this recommendation.

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

Yeas 5

Nays 0

APPROVED

RESOLUTION: JOHN B. DALY BOULEVARD, 2007-39

Agenda Item #23

Relative to the extension of John B. Daly Boulevard

BY: Council Chair Robert Anderson, Jr.

WHEREAS, the City is planning to extend John B. Daly Blvd. from Niagara Street to Pine Avenue; and

WHEREAS, the City is seeking to use land under the jurisdiction of the Department of Transportation for this extension; and

WHEREAS, in order for this to be approved it is necessary that the City assume jurisdiction of the extension to John B. Daly Blvd. after construction is completed.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls will assume jurisdiction of the extension to John B. Daly Blvd. from Niagara Street to Pine Avenue after its construction is completed

Yeas 5

Nays 0

ADOPTED

RESOLUTION: NIAGARA FALLS CABLE COMMISSION, APPOINTMENTS, 2007-40

Agenda Item #24

Relative to appointments to the Niagara Falls Cable Commission  
BY: Council Member Samuel Fruscione

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

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Richard Meranto 4622 Terrance Drive Niagara Falls, NY 14305 282-1995	12/31/10
Jerry Genova 757 Seymour Avenue Niagara Falls, NY 14305 285-4745	12/31/09
Joe Swartz 1319 Willow Avenue Niagara Falls, NY 14305 285-0268	12/31/08

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: NIAGARA FALLS HUMAN RIGHTS COMMISSION, APPOINTMENTS, 2007-41

Agenda Item #25

Relative to appointments to the Niagara Falls Human Rights Commission  
BY: Council Member Samuel Fruscione  
Council Member Charles Walker

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Human Rights Commission effective immediately for the expiration date, which appears opposite their names:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Joanne Lorenzo Sherwood 1943 Whitney Avenue Niagara Falls, NY 14301 282-0908	6/01/10
Catherine O. Byrd Sitarski 537 Memorial Parkway Niagara Falls, NY 14301 285-9009	6/01/10
<u>REAPPOINTMENT</u> Pastor Richard Hague 1152 Fairfield Avenue Niagara Falls, NY 14305 284-7498	6/01/10

Yeas	5
Nays	0
	ADOPTED

Agenda Item #26

Approval of request of shared services between City Controller's Office and Department of Community Development.

The Department of Community Development has approached the City Controller with a request to provide assistance to the Community Development finance division. Currently, there is a significant backlog of work in that division that requires the services of a person with experience and background in government finance. The work to be performed is highly specialized due to the unique requirements associated with the federal grants administered by Community Development. This assignment will require one-on-one training to be provided by the Senior Auditor.

The City Controller will assign one of her employees to assume the duties required by the Community Development Department. Community Development funds will be used to reimburse the City based on weekly time allocation records submitted to the Project Administrator, indicating hours worked and services provided to the Department. It is our recommendation that City Council approve this shared services agreement between the two departments. Community Development funds are available in budget code CAD000 (CD Administration).

This request provides Community Development with much needed assistance and represents a unique opportunity to provide training in federal government accounting procedures without financial impact to the City General fund. All costs associated with this request will be assumed by the Community Development Block fund.

Will Council vote to so approve and authorize the CD Project Administrator to effectuate same?

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

Yeas	5
Nays	0
	APPROVED

BUDGET AMENDMENT: GRANTA WRITER OVERTIME

Agenda Item #27

Approval of request to amend budget for Grants Writer Overtime.

Council Members:

As the Council is aware, the Records Asset Control Officer has been assisting with the applications for various grants on an adhoc basis.

It is the recommendation of the Administration that the most cost effective way of having the grants writing position is to allow for a maximum of \$10,000 of overtime to allow for grants writing by this individual. The cost breakdown is set forth below:

A.1345.0000.0140.000	Salary Increase	\$10,000.00	
A.1345.0000.0810.000	FICA		750.00
A.9010.0000.0801.000	Pension		1,100.00

Will the Council so approve and vote to amend the budget by appropriating the sum of \$11,850 from Fund Balance?

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

Yeas	5
Nays	0
	APPROVED

Agenda Item #28

Relative to amending Chapter 1111 of the Codified Ordinances entitled "Plumbing Code of the City of Niagara Falls, New York" BY: Council Chairman Robert Anderson, Jr.

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1111 of the Codified Ordinances entitled "Plumbing Code of the City of Niagara Falls, New York", is hereby amended by amending Section 1111.07 entitled "Inspectors of Plumbing" to read as follows:

1111.07 INSPECTORS OF PLUMBING

- (g) In the event the Chief Plumbing Inspector is [not able] unable to conduct an inspection as required herein due to illness, incapacity or unavailability [for more than a twenty-four (24) hour period], such inspection may be conducted by a [licensed master plumber designated by the Director] Certificate of Competency holder or any member of the Examining Board of Plumbers for the City of Niagara Falls, New York, designated by the Chief Plumbing Inspector or the Building Commissioner. In such event, the [licensed master plumber] designated inspector shall be entitled to receive payment of \$45.00 from the City for each inspection conducted. However, such [licensed master plumber] inspector shall be prohibited from conducting an inspection of work performed by [such licensed master plumber] a company that he may be currently employed by.

Bold and Underlining indicate Additions. Bold and Brackets indicate {Deletions}.

Yeas
Nays

5
0
ADOPTED

PUBLIC WORKS: TEMPORARY PATCHING CREWS

Agenda Item #29

RE: Approval of recommendation to amend budget to cover three temporary patching crews from May 1, 2007 through September 30, 2007

Council Members:

Attached(on file in City Clerk's office) is a break down of the cost of adding three temporary patching crews for the period May 1 through September 30, 2007.

Funding would come from Fund Balance.

Will the Council so approve and amend the budget to reflect these costs?

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

Yeas
Nays

5
0
APPROVED

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 7:27 p.m.

Carol A. Antonucci  
City Clerk



MAY 14, 2007

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The first session of the May 14, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:20 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell.

Council Member Robins moved to approve the Minutes from the City Council Meeting of April 30, 2007.

Yeas	5
Nays	0

APPROVED

Deputy Corporation Counsel Thomas O'Donnell distributed copies of four Items to be added to the Agenda:

1. A communication relative to approval of a grant for a Manufacturing and Industry Survey at no cost to the City.  
Council Member Robins 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 #10.

2. A communication relative to a Budget Amendment to create a Weed and Seed Coordinator position.

Council Member Robins 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.

3. A Bond Resolution to pay the costs of various City purposes.  
Council Member Robins moved to add the Resolution to the Agenda.

Yeas	2
Robins, Walker	
Nays	3
Fruscione, Rotella, Anderson	

MOTION TO ADD RESOLUTION TO AGENDA DEFEATED

(4 affirmative votes needed)

Council Member Rotella expressed his concern about the amount the City has already bonded.

This Session ended at 5:05 P.M.

Chairman Anderson reconvened the Meeting at 7:07 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Rotella 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:

Christina Ventry	Running for City Council
Sam Mantell	Speeding on 91 <sup>st</sup> Street

The following was RECEIVED AND FILED:  
Agenda Item #1  
Claim's Report for April, 2007.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CONVEYANCE OF SURPLUS LAND AT 5815 BUFFALO AVENUE, NIAGARA FALLS  
WATER BOARD

Agenda Item #2

Re: Approval of Agreement with Niagara Falls Water Board for conveyance of surplus land at 5815 Buffalo Avenue

Council Members:

The Council previously approved the acquisition of surplus property adjacent to the Water Plant on Buffalo Avenue and its subsequent sale to William MacDonald or a related corporate entity for the development of apartments or condominium units on the site. In order to move the transaction forward the Water Board has requested the attached Indemnification Agreement.

This agreement provides that the City and the Water Board will each indemnify the other party related to any liability that arose during their respective ownership of the property.

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

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

Yeas  
Nays

5  
0  
APPROVED

CONTRACT: UNITED OFFICE BUILDING PARKING LEASE AND VAULT PERMIT

Agenda Item #3

RE: Approval pf United Office Building parking lease and vault permit  
Council Members:

First Street Group, LLC has been moving to complete the United Office Building renovations this year. As currently extended, the LLC has until December 31, 2007 to complete the project under their amended Development Lease Agreement with USA Niagara Development Corporation.

The City leased the parking area next to the former Hotel Niagara to First Street Group. Under the terms of the lease, the developer was to complete the renovations and take title to the United Office Building on or before June 30, 2007. The developer has asked that the date be extended to December 31, 2007.

This extension will keep this parking area available to the general public throughout the summer.

In the course of the State traffic circle construction last summer, the developer had discussions with the State DOT concerning the underground vault. The vault extends the United Office Building basement into the State right of way. Attached is a copy of the DOT letter to Mr. Carl Paladino, outlining the results of the State's investigation into the matter. The DOT has requested that the City issue a permit for the vault, or DOT will fill the vault in.

Also attached is a copy of a diagram roughly showing the location of the vault.

This is not a vault for delivery of goods into the building, but is an actual extension of the basement. There is no access to the vault through the street.

An investigation of City records did not discover a copy of the permit, if any, issued for this vault. The developer has requested that the City issue a permit for the continued use of the vault.

Under §901.04 of the City Ordinances, the City may grant permission for the construction of vaults under the sidewalk in front of a building. The vault shall be constructed in accordance with plans filed with and approved by the Building Commissioner and City Engineer. The City may fix a charge or rent for the vault and may require an indemnity bond, and the grant of permission shall be embodied in a written agreement which grants such permission.

It is proposed that the City grant (or re-grant) to USA Niagara Development Corporation the right to maintain the vault. The permission will automatically pass to First Niagara Group, LLC when it takes title to the United Office Building. The Agreement will provide that USA Niagara or First Group must deliver to the City Engineer a New York State Licensed Engineer's report (two stamped, signed copies) attesting to the structural integrity of the vault. The permittee must indemnify the City against any liability resulting from the use of the vault. The City must be named as an additional insured on the liability portion of the insurance policy covering the property. No rent will be charged for the vault.

Will the Council vote to approve the parking lease extension and the vault permit as each is described forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas  
Nays

5  
0

APPROVED

CONTRACT: ACTUARIAL SERVICES, EBS BENEFIT SOLUTIONS, INC.

Agenda Item #4

RE: Approval to enter into a contract for actuarial services with EBS Benefit Solutions, Inc.

TO: EBS Benefit Solutions, Inc.  
30 Perinton Hills Mall  
Fairport, NY 14450

FOR: Provision of an actuarial analysis of the City's financial liability in compliance with the Government Accounting Standards Board's (GASB) Statement #45 -Accounting and Financial Reporting by Employers for Post Employment Benefits other than Pensions

Proposals were received from six (6) firms. Upon review of the proposals by the City Controller, it is our recommendation that the above referenced company be awarded the contract based on their response to our request for proposals.

The City's cost in 2007 for this analysis will be \$8,000.00. Funds are available in the City Controller's Office budget code: A1315.0000.0451.000.

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: TOURISM APPROPRIATION AGREEMENTS

Agenda Item #5

RE: Approval to authorize Tourism Appropriation Agreements

Council Members:

At your March 5, 2007 meeting you approved funding for the following items:

12,000	Niagara Fine Arts Summer Concert Series
1,655	Niagara Falls Cruisers Car Club
10,000	Aquarium of Niagara
<u>\$23,655</u>	TOTAL

In order to effectuate this funding, agreements with the various entities are required.

Will the Council authorize agreements in the above amounts and authorize the Mayor to execute same in forms acceptable to the Corporation Counsel?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: SIDEWALK REPLACEMENTS, VALERIE CONCRETE CONSTRUCTION, INC.

Agenda Item #6

RE: Approval of recommendation to award contract for sidewalk replacements at various locations

SUBJECT: LETTER OF AWARD - SIDEWALK REPLACEMENTS AT VARIOUS LOCATIONS - 2007 PHASE 2

The following is the result of bids received on May 7, 2007, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Valeri Concrete Construction, Inc. 6655 Errick Rd. North Tonawanda, NY 14120	\$205,767.00
C & C Contractors	\$227,315.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Valeri Concrete Construction, Inc. in the amount of \$205,767.00. Funds are available under Capital Code H0621.2006.0621.0300.

Additionally, the Contractor has agreed to extend the unit prices of his bid to complete sidewalk replacements for the total budgeted amount of \$350,000.00.

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

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

Yeas	5
Nays	0

APPROVED

ENGINEERING SERVICES AND INSPECTIONS DEPARTMENT, CHARTER AMENDMENT

Agenda Item #7

RE: Approval of request to amend the City Charter to make Inspections and Engineering Services separate departments  
Council Members:

Several years ago the Inspections Department and Engineering Services were consolidated into one department.

It is recommended that the departments once again be separated to improve the efficiency of the operations.

Pursuant to Section 4.8c of the Charter, I request that the Council initiate the procedure to amend the Charter to make the Inspections and Engineering Services departments separate.

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

Yeas	5
Nays	0

APPROVED

CAPITAL EQUIPMENT/IMPROVEMENTS

Agenda Item #8

RE: Approval of recommendation for capital Equipment Purchases and  
Capital Improvement Projects

Council Members:

Attached is the Administration's recommendation for Capital Equipment  
Purchases and Capital Improvement Projects.

Bond funds will be used for these expenditures as part of the ongoing  
plan to bond capital expenses of \$3,000,000 annually and fund the repayment  
from Casino revenues.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: FUND BALANCE POLICY, 2007-43

Agenda Item #9

RE: Relative to Undesignated Fund Balance Policy  
BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles A. Walker

WHEREAS, The City Council of the City of Niagara Falls finds it desirable to establish a policy relating to its "Undesignated Fund Balance".

WHEREAS, the use of the Undesignated Fund Balance is to provide for unforeseen expenses, shortfalls in revenues or emergencies necessary to fund current operations and giving the City to flexibility to react to such shortfalls.

WHEREAS, these funds will be referred to as "Undesignated Fund Balance."

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Niagara Falls that an Undesignated Fund Balance policy is hereby established as follows:

The City of Niagara Falls, NY strives to maintain its undesignated fund balance to be set at a "reasonable amount" necessary to ensure the orderly operation of the governmental service. The City of Niagara Falls deems a "reasonable amount" to be 5% of the City's total general fund operating revenues.

In the event that fund balance should exceed a "reasonable amount", the difference may be used for the following:

- One time capital expenditure which does not increase ongoing City costs;
- Other one-time costs which do not increase ongoing City costs;

In the event that fund balance is needed, it may be used for the following:

- Unanticipated emergency to provide an essential service
- Unanticipated shortfall in a budgeted revenue
- Unanticipated expense that is needed to provide an essential service
- An economic condition that created an expense to exceed above the budgeted amount (i.e. gasoline, natural gas, pension costs)

Undesignated Fund Balance levels are dictated by:

- Cash flow shortfalls to support operating expenses
- Reacting to an emergency or unanticipated expenditure
- Maintain the City's credit worthiness and the capacity to support debt service
- Legal or regulatory requirements affecting revenues, disbursements, and fund balance.
- Reliability of outside revenues

If at the end of each year the City's fund balance should fall below a "reasonable amount", then the City shall set budget balancing strategies to rebuild this fund balance within one year and/or the city shall budget a gradual contingency to re-establish undesignated fund balance to its appropriate level without an impact on property taxes.

Yeas  
Nays

5  
0

ADOPTED

CONTRACT: MARTIN WACHADLO AND FRANCIS KOWSKY, MANUFACTURING & INDUSTRY SURVEY

Agenda Item #10

RE: Approval of grant for manufacturing and industry survey with no City cash match

Council Members:

The City of Niagara Falls received a \$15,000.00 grant from the State for a survey of the history of industry and manufacturing in the City. The City sent an RFP to approximately 25 consultants who are expert in the field.

The City received a proposal from Clinton Brown Company and a joint proposal from Martin Wachadlo and Francis Kowsky. Each proposed to perform the work for \$15,000.00. It is our recommendation that the City award the contract to Martin Wachadlo and Francis Kowsky. The City Historic Preservation Commission voted on April 18 to recommend hiring these individuals to provide these services.

Mr. Wachadlo is an architectural historian who specializes in 19<sup>th</sup> and 20<sup>th</sup> Century Western New York Architecture. Dr. Kowsky, a distinguished professor at Buffalo State who has written and lectured extensively on Western New York architecture, was project historian of the Buffalo Grain Elevator Project.

The consultants will prepare a survey tracing the impact that industry and manufacturing has had on our City's development. The study will also document the tunnels, canals and office and manufacturing plants, such as the Nabisco Shredded Wheat plant, the hydraulic canal, the tail race tunnel, the Adams Power Plant and the Schoellkopf power plant, which graced our City.

There is no City cash match, although the Planning Division will provide in-kind services, will monitor the consultant contract and will insure that all of the terms of the grant, including submission of the required reports, are fulfilled.

Will the Council vote to hire the consultants as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

5

Nays

0

APPROVED

WEED AND SEED COORDINATOR POSITION, BUDGET AMENDMENT

Agenda Item #11

RE: Approval of Budget Amendment to create Weed and Seed Coordinator position

Council Members:

Since its creation in 2004 by the Federal Government, the Niagara Falls Police Department has received approximately \$400,000 in Weed and Seed and supplemental funds. This year we are expecting another \$125,000 and next year the same amount.

For the last three (3) years the Niagara Falls Housing Authority has funded the coordinator position. Based on recent audit findings they will be unable to continue the funding of this position.

The coordinator's duties include the application and reporting requirements for the Weed and Seed program of Niagara Falls.

Without a coordinator position, the Police Department will not be able to continue securing these funds. Due to the timing between retirements and the hiring of replacement police officers there is sufficient funding in the 2007 Police Patrol budget line to fund this position. In future years this position will be included in the budget.

May 21,  
2007

	Annual Cost	Pro-Rated 16 Pays	
	\$	\$	
Base Salary	43,555.20	26,803.20	A.3120.0001.0110.000
FICA	3,331.97	2,050.44	A.3120.0001.0810.000
Health Insurance	4,996.35	3,074.68	A.3120.0001.0860.000
Dental Insurance	576.00	354.46	A.3120.0001.0861.000
Life Insurance	238.00	146.46	A.3120.0001.0830.000
Pension			A.9010.0000.0801.000
	<u>4,791.07</u>	<u>2,948.35</u>	
	\$	\$	
	<u>57,488.59</u>	<u>35,377.60</u>	
Funding provided by		\$	
A.3120.2700.0110.000		<u>35,377.60</u>	

Will the Council vote to amend the budget as shown to create this position?

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

Yeas  
Nays

5  
0

APPROVED

Council Member Fruscione moved to add the following Resolution to the Agenda:

Yeas	4
Fruscione, Robins, Rotella, Anderson	
Nays	1
Walker	

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was add to the Agenda as #12

RESOLUTION: CORPORATION COUNSEL, APPOINTMENT, 2007-44

Agenda Item #12

Relative to Appointment of Corporation Counsel

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Lewis Rotella

WHEREAS, this Council believes that the City of Niagara Falls would be best served by a Corporation Counsel, appointed by the Mayor and approved by the City Council as provided in the Niagara Falls City Charter.

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it requests the Mayor to appoint a Corporation Counsel, subject to Council confirmation as soon as possible.

BE IT FURTHER RESOLVED, that the Council believes that it would be in the best interest of the City of Niagara Falls that the Acting Corporation Counsel resign immediately.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 7:16 p.m.

Carol A. Antonucci  
City Clerk



May 29, 2007

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The first session of the May 29, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:12 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry (arrived at 5:10 p.m.), Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of April 23, 2007.

Yeas	5
Nays	0

APPROVED

In his Administrative Update, Mayor Vincenzo V. Anello said that he wanted to clarify some issues that were brought up at the May 14 Council Meeting:

1. Gary Coscia of Ciminelli Development had referred to a letter that was sent to the City three weeks prior to the Council Meeting date, and the Mayor noted that the letter was dated May 7.

2. There are many issues with the Court House Project that need answers, and that takes time.

3. Council Member Fruscione had questioned a contract for the West Pedestrian Mall, and issues were brought up after the Council Meeting. The contract is being discussed, and Deputy Corporation Counsel Thomas O'Donnell is working on amendments to the contract.

4. Establishment of a Local Development Corporation for the Court House Project - the Mayor stated that more than one option for financing the Project is needed, and the only option he has seen is the LDC. Acting Corporation Counsel Damon DeCastro informed the Council Members that there is no delay in the design development and property acquisition for the Project, and Mr. Coscia responded to questions on the legislation establishing the LDC.

A lengthy discussion followed, and Mr. Coscia will forward a copy of Ciminelli's payment option comparisons to the Controller.

Council Member Robins inquired if funding for a Court House Consultant (Agenda Item #7) would be taken from the Consultant line in the Budget of the Law Department. Mr. DeCastro explained that money was still available in that line, but outside attorney's fees for any upcoming court cases would need to be funded from that line. Council Member Walker stated that a firm needs to be hired to move the Project forward. When the Mayor said that he does not have a firm in mind to hire, it was suggested that a Request for Proposals be prepared, with a recommendation from the Court House Advisory Committee.

The Mayor informed the Council Members that Mr. DeCastro had given his resignation, as requested by the Council, and the Mayor asked that the Council make recommendations for a replacement.

The Mayor said that there have been no new developments regarding NFR.

Council Member Robins asked for an update on the status of the Greens Restaurant. The Mayor said that there have been issues regarding the contract provisions, even though there have been no changes made to the contract.

Paul Ciminelli, CEO of Ciminelli Development, stated that his company is working in the best interests of the taxpayers of the City of Niagara Falls.

This Session ended at 5:30 PM

Chairman Anderson reconvened the Meeting at 7:10 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Ken Hamilton- Agenda Items #4 and #7  
Arthur Garabedian- Against Aldi Project on designated land  
Ken Hamilton- Against Aldi Project on designated land and also to re-enact Charter Commission

The following was RECEIVED AND FILED:  
Agenda Item #1  
City Clerk's Report for April, 2007.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CONSULTANT SERVICES FOR 10<sup>TH</sup> STREET RECONSTRUCTION, FOIT ALBERT ASSOCIATES P.C.

Agenda Item #2

RE: Approval of Agreement with Foit Albert Associates P.C. for 10<sup>th</sup> Street reconstruction

Based on the New York State Department of Transportation mandated merit selection process, please be advised that Foit Albert Associates P.C. 763 Main St. Buffalo NY 14203, has been selected as the City's Consultant on the above noted project.

The Council previously approved resolutions appropriating funding which is federally reimbursable and also eligible for State Marchiselli funding. Therefore, it is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Foit Albert Associates, P.C., at their Proposal Price of \$555,000.00. Funding is available in Code H0632.2006.0632.

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

Yeas  
Nays

5  
0

APPROVED

CONTRACT: BID #11-07 SODIUM HYPOCHLORITE, CHEMICAL DISTRIBUTORS, INC.

Agenda Item #3

RE: Approval of Bid #11-07 with Chemical Distributors, Inc. for chlorine

SUBJECT: Bid #11-07 Sodium Hypochlorite (Chlorine)

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

TO: Chemical Distributors, Inc.  
80 Metcalfe Street  
Buffalo, NY 14206

FOR: Sodium hypochlorite in 55 gal. drums (est. 2,400 gals.):  
\$1.69/gal

TO: Riverside Chemical Co., Inc.  
PO Box 197  
North Tonawanda, NY 14120

FOR: Sodium hypochlorite in bulk deliveries (est. 3,400 gals):  
\$2.38/gal

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Three (3) bids were received.

The above referenced companies submitted the lowest bids for each respective item.

Funds for this expenditure are available in the Swimming Pools Maintenance/Repair code: A7146.0200.0419.009.

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

Yeas 5  
Nays 0

APPROVED

COURT HOUSE PROJECT, DEVELOPER COSTS

Agenda Item #4

RE: Approval to pay Invoice #13 for Court House Project for a total to date of \$1,057,223.36

Council Members:

Attached (on file in City Clerk's Office) is Invoice #13 from the Developer for \$85,365.93

Total paid to date is \$1,057,223.36.

Will the Council approve the payment?

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

Yeas 5  
Nays 0

APPROVED

NOTICE OF INTENT

Agenda Item #5

RE: Approval to file Notice of Intent regarding Phase II Storm Water Permit Program

Council Members:

The Federal government has mandated the states to control run off and improve water quality. The New York State Department of Environmental Conservation is implementing these controls by way of the above referenced permitting program.

As the Council is aware the Niagara Falls Water Board controls the storm water sewers and is already participating in this program.

The City is separately required to join this program for the regulation of such things as construction site run off and run off from municipal facilities such as the corporation yard and golf course.

The first step for the City to comply with this program is filing a Notice of Intent with the Department of Environmental Conservation.

Will the Council authorize the Mayor to file the Notice of Intent in a form acceptable to the Corporation Counsel and City Engineer?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT COMPLIANCE CONSULTANT

Agenda Item #6

RE: Approval to create Contract Compliance position

Council Members:

The Human Rights Commission has requested that the City establish a contract compliance position reporting to the Law Department that would oversee equal employment issues as well as potential requirements for minority and women business enterprise requirements for City purchases and contracts.

It is recommended that this be created as a consultant position in an amount not to exceed \$25,000.

This would be funded from fund balance.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

COURT HOUSE CONSULTANT

Agenda Item #7

RE: Approval to hire Court House Consultant for the Law Department

Council Members:

The Law Department has been coordinating the City's review of the plans supplied by the Courthouse developer.

Additional expertise is needed so that the formation of an Local Development Corporation ("LDC") can be expedited and additional municipal complex related documents receive the proper review. Also, expertise is needed to support the proper oversight to ensure that the City receives the best value for its expenditures on the Courthouse.

It is requested the Council authorize the hiring of a consultant to provide the services to the City in an amount not to exceed \$30,000.

Funding would come from the money currently bonded for the preconstruction portion of the Courthouse.

Will the Council so approve?

Council Member Robins moved that the communication be Tabled.  
Yeas 5  
Nays 0

TABLED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

609 RAINBOW BOULEVARD

Agenda Item #8

RE: Approval of sale of 609 Rainbow Boulevard

Council Members:

At your June 5, 2006 meeting you approved a request to purchase the above referenced City owned property for the sum of \$20,000 subject to certain conditions requested by the Planning Board and the requirement that the closing be performed within 30 days and certain other conditions.

A copy of the minutes reflecting the approval is attached hereto.

The closing did not occur within 30 days and Mr. Villella has requested that you authorize the sale of the property on the original conditions as long as the closing occurs on or before August 1, 2007.

Will the Council so approve and authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas

5

Nays

0

APPROVED

CLAIM: KATHI A. DUFF

Agenda Item #9

RE: Approval of settlement of claim of Kathi A. Duff in the amount of \$621.00

Council Members:

Date Claim Filed:	February 15, 2007
Date Action Commenced:	N/A
Date of Occurrence:	January 15, 2007
Location:	2236 Grand Avenue
Nature of Claim:	Damage to a fence from fallen City tree branches
Status of Action:	Claim stage.
Recommendation:	Best interests of City to pay claim.
Amount to be Paid:	\$621.00
Make Check Payable to:	"Kathi A. Duff"
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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CLAIM: ANTHONY OTTO

Agenda Item #10

RE: Approval of settlement of claim of Anthony Otto in the amount of \$642.79

Council Members:

Date Claim Filed: April 18, 2007  
Date Action Commenced: N/A  
Date of Occurrence: April 16, 2007  
Location: Parking Lot - City Hall  
745 Main Street, Niagara Falls  
Nature of Claim: Damage to automobile from fallen  
City sign  
Status of Action: Claim stage  
Recommendation: Best interests of City to pay claim.  
Amount to be Paid: \$642.79  
Make Check Payable to: "Anthony Otto"  
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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0

APPROVED

CLAIM: PATRICK A. JESSIE

Agenda Item #11

RE: Approval of settlement of claim of Patrick A. Jessie in the amount of \$525.31

Council Members:

Date Claim Filed: April 26, 2007  
Date Action Commenced: N/A  
Date of Occurrence: April 20, 2007  
Location: Centre Avenue near Highland Avenue  
Nature of Claim: Automobile damage caused by City vehicle  
City Driver: Lt. Bryan DalPorto  
Status of Action: Claim stage.  
Recommendation: Best interests of City to pay claim.  
Amount to be Paid: \$525.31  
Make Check Payable to: "Patrick A. Jessie"

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

Yeas 5  
Nays 0

APPROVED

CLAIM: JAMIE BACHERT

Agenda Item #12

RE: Approval of settlement of claim of Jamie Bachert in the amount of \$7,500.00

Council Members:

Date Claim Filed July 29, 2004  
 Date Action Commenced: May 2, 2005  
 Date of Occurrence: May 19, 2004  
 Location: Ferry Avenue at Hyde Park Blvd. intersection  
 Nature of Claim: Personal injuries sustained in an accident with City vehicle  
 City Driver: Det. William Smith  
 Status of Action: Action Commenced  
 Recommendation: Best interests of City to pay claim.  
 Amount to be Paid: "Jamie Bachert and Cantor, Lukasik, Dolce, Panepinto as attorneys"  
 Conditions: General Release to City and Stipulation to Discontinue, 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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: MICAH HANFORD

Agenda Item #13

RE: Approval of settlement of claim of Micah Hanford in the amount of \$1,010.23

Council Members:

Date Claim Filed April 10, 2007  
 Date Action Commenced: N/A  
 Date of Occurrence: March 15, 2007  
 Location: 2462 Pierce Avenue  
 Nature of Claim: Automobile damage caused by City vehicle  
 City Driver: Officer Lisa MacNeil  
 Status of Action: Claim stage.  
 Recommendation: Best interests of City to pay claim.  
 Amount to be Paid: \$1010.23  
 Make Check Payable to: "Micah Hanford"  
 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 Fruscione 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

The following was RECEIVED and FILED

Agenda Item #14

Mayor's approval of Resolution 2007-42 and Notice of Approval of Local Law No. 3 for 2007

COMMISSIONER OF DEEDS

Agenda Item #15

RE: Approval of Commissioner of Deeds appointments for a term from July 1, 2007 to June 30, 2009

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2007 to June 30, 2009.

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

Vincenzo V. Anello	Mayor
Vincenette Anello	Mayor's Office
Dave Augustyniak	Police Dept.
Kelly Rizzo	Police Dept.
James Reynolds	Police Dept.
William Thomson	Police Dept.
Theodore Weed	Police Dept.
Muriel Longo	City Court
Victoria Gemeund	City Administrator's Office
Rosalia Cristiano	City Controller's Office
Clara Hughes	DPW
Catherine Allen	175 68 <sup>th</sup> St., Niagara Falls, NY 14304
Linda Anello	2451 Independence Ave., Niagara Falls, NY 14301
Linda Augustino-Rafferty	7995 Crestview Dr., Niagara Falls, NY 14304
Albert W. Bouley, Sr.	2901 Ontario Ave., Niagara Falls, NY 14301
Joelle Brinson	8402 Witkop Ave., Niagara Falls, NY 14304
Kenneth Richard Friend	616 73 <sup>rd</sup> St., Niagara Falls, NY 14304
Sally Glasgow	191 Sabre Park, Niagara Falls, NY 14304
Barbara E. Gonzalez	2412 North Ave., Niagara Falls, NY 14305
Cindy-Lou Joyce	2744 Thornwoods Dr., Niagara Falls, NY 14304
Renaë Kimble	3302 Hyde Park Blvd., Niagara Falls, NY 14305
Jennifer LaMarca	660 70 <sup>th</sup> St., Niagara Falls, NY 14304
Andrea Merino	9140 Rivershore Dr., Niagara Falls, NY 14304
Marilyn Morreale	3404 Walnut Ave., Niagara Falls, NY 14301
Andrea Nicoletti	2957 Porter Rd., Niagara Falls, NY 14305
Sean J. O'Connor	1210 Brandi Dr., Niagara Falls, NY 14304
Denise M. Pelosino	800 Main St., Niagara falls, NY 14301
Holly J. Porter	1700 Pine Ave., Suite 205, Niag. Falls, NY 14301
Rita M. Powell	606 38 <sup>th</sup> St., Niagara Falls, NY 14301
Frederick Pucci	2991 McKoon Ave., Niagara Falls, NY 14305
Timothy J. Rafferty	7995 Crestview Dr., Niagara Falls, NY 14304
Candace M. Rieker-Bouley	2901 Ontario Ave., Niagara Falls, NY 14305
Antoinette Sanfilippo	6424 John Ave., Niagara Falls, NY 14304
Kathleen L. Steinman	2242 Grand Ave., Niagara Falls, NY 14301
Janet E. Tallerico	50 Riverwoods Dr., Grand Island, NY 14072
Candra C. Thomason	2470 LaSalle Ave., Niagara Falls, NY 14301
Richard E. Thomason	2470 LaSalle Ave., Niagara Falls, NY 14301
Christina Ventry	4715 Lewiston Rd., Niagara Falls, NY 14305

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: AMENDING ARTICLE XXXII OF CITY CHARTER, 2007-45

Agenda Item #16

Relative to calling for a public hearing to amend the City Charter by amending Article XXXII entitled "Department of Engineering and Inspections"

By: Council Chairman Robert Anderson, Jr.

RESOLVED, that Local Law No. \_\_\_\_ for the year 2007 be introduced, and that a public hearing be held on such Local Law on the 11th day of June, 2007 at 7:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending Article XXXII of the City Charter, entitled "Department of Engineering and Inspections" relative to eliminating the inspections functions within said Department.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: ADOPTING ARTICLE XX TO CITY CHARTER, 2007-46

Agenda Item #17

Relative to calling for a public hearing to amend the City Charter relative to adopting Article XX entitle "Department of Inspections"

BY: Council Chairman Robert Anderson, Jr.

RESOLVED, that Local Law No. \_\_\_\_ for the year 2007 be introduced, and that a public hearing be held on such Local Law on the 11th day of June, 2007 at 7:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting Article XX of the City Charter, entitled "Department of Inspections".

Yeas 5

Nays 0

ADOPTED

Council Member Fruscione moved to add the following communication to the agenda.

Yeas 5  
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to agenda as Item #18

ENCROACHMENT: SECOND STREET OVER CITY PROPERTY

Agenda Item #18

RE: Approval of request for encroachment over City property on Second Street, subject to certain conditions

A request has been received from Vincent Catanzara of The Envoy Motor Inn for a 12 inch encroachment over City Property on Second Street.

Approval is subject to the receipt of all necessary City permits, approval of the City Engineer, the recommendation of the Planning Board and the agreement of the owner to defend and indemnify the City from any liability arising from the encroachment and addition of the City as an additional insured on the owner's liability insurance.

Council Member Fruscione 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 Anderson adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci  
City Clerk



JUNE 11, 2007

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The first session of the June 11, 2007 Niagara Falls City Council Meeting was called to order by Acting Council Chairman Chris Robins at 4:11 p.m. in the Council Chambers.

Present: Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 4.

Absent: Council Chairman Robert Anderson, Jr.-1

Also present: City Administrator William J. Bradberry, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Fruscione moved to approve the Minutes from the City Council Meetings of May 14, 2007 and May 29, 2007.

Yeas

5

Nays

0

APPROVED

Council Member Robins conducted the Meeting in the absence of Chairman Anderson.

Linda Taylor of Brown and Brown Insurance gave a presentation on the company's proposal to continue to handle the City's Workers' Compensation Program. She commended the City for the progress made in reducing loss control, and said the cost of the proposal for another year was approximately \$16,000 less than the current contract. Council Member Walker asked if the position of the City's Safety Manager would be filled, and City Administrator William Bradberry responded the position would be filled.

Paul Ciminelli introduced the members of the team working on the Court House Project, and responded to questions from the Council Members. He said that a date of October 15 has been set for the groundbreaking for the Project.

In his Administrative Update, Mr. Bradberry reported that there has been a 58% response rate to questionnaires sent to City employees regarding their residency. He will be meeting with the Director of Human Resources and a representative of the Corporation Counsel's Office to develop a strategy to address the issue of residency.

Council Member Rotella asked that a roof for the Train Station be added to the list of Capital Improvement Projects/Equipment Purchases (Agenda Item #7). He asked that Senior Planner Tom DeSantis give the Council Members an update on the progress of the Project.

Council Member Robins expressed concern about borrowing for Capital Projects (Agenda Item #7), with the payments to be made with Casino funds, and there is no guarantee when the funds will be received.

City Controller Maria Brown explained the process, and a discussion followed.

Council Member Fruscione asked about removal of signs that have been attached to public signs in the downtown area, and Mr. Bradberry informed him that he had already addressed this issue.

Mrs. Brown and Economic Development Director Ralph Aversa responded to questions about starting to use the parking meters in the downtown area.

Council Member Fruscione asked how the flower baskets in the downtown area will be watered, and Mr. Bradberry said that an employee of the Public Works Department would perform this task. Mr. Bradberry also responded that the City is responsible for maintaining the median on Daly Boulevard.

Council Member Walker asked if arrangements have been made for an alternative summer camp, since NFR has taken ownership of the 13<sup>th</sup> Street Gym and the 10th Street Park.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of a Resolution to be added to the Agenda relative to legislation for the Municipal Safety Complex.

Council Member Robins 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 #13.

Council Member Robins adjourned the Session at 5:00 PM.

Chairman Anderson reconvened the Meeting at 7:10 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Chairman Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag. Chairman Anderson then asked Council Member Robins to conduct the meeting.

Acting Chairman Robins announced a Special Order of Business, a Public Hearing relative to amending the City Charter by amending Article XXXII of the City Charter, entitled "Department of Engineering and Inspections", and asked if there were any speakers relative thereto. There were no speakers.

Acting Chairman Robins announced another Special Order of Business, a Public Hearing relative to amending the City Charter by adopting Article XX of the City Charter. Entitled "Department of Inspections", 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:

Ronald Cunningham-Agenda Item #9  
William MacKay-Agenda Item #6  
Tony Scricco- rising costs of electricity and water

The following was RECEIVED AND FILED:  
Agenda Item #1  
Claims Report for May, 2007.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

HOMESTEAD & NON-HOMESTEAD ASSESSMENT ROLL: CERTIFICATION

Agenda Item #2

RE: Approval of percentages and proportions for Homestead and Non-Homestead Assessment Roll

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached 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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0

APPROVED

CONTRACT: URBAN ENGINEERS OF NEW YORK P.C.

Agenda Item #3

RE: Approval of contract with Urban Engineers of New York P.C. as consultant relative to reconstruction of Lockport Street

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

The Council previously approved resolutions appropriating funding which is federally reimbursable and also eligible for State Marchiselli funding. Therefore, it is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Urban Engineers of New York P.C., at their Proposal Price of \$635,288.00. Funding is available in Code H0633.2006.0633.0449.599.

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

Yeas 5  
Nays 0

APPROVED

GRANT: HUMAN RIGHTS COMMISSION-EEO WORKFORCE SETUP

Agenda Item #4

RE: Approval of acceptance of New York State Grant of \$2,000.00 for EEO Workforce Setup with no matching funds

The City of Niagara Falls on behalf of the Human Rights Commission has received a Grant from the State of New York in the amount of \$2,000. There is no local match required.

Will the Council approve the acceptance of the Grant and authorize the Mayor to sign any necessary agreements or documents?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: SKYLIGHTERS OF WESTERN NEW YORK, INC., FIREWORKS DISPLAY

Agenda Item #5

RE: Approval of contract with Skylighters of Western New York, Inc. for July 4<sup>th</sup> fireworks display

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

TO: Skylighters of Western New York, Inc.  
3362 Baker Road  
Orchard Park, NY 14127

FOR: Fireworks displays on July 4<sup>th</sup> at Hyde Park: \$25,041.20  
Proposals were also received from Pyrotecnico and Zambelli Fireworks Internationale. In the opinion of City staff, the proposal submitted by Skylighters of Western New York, Inc. was the best.

Funds are available in the Tourism Fund account code T6410.0000.0449.599.

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: CAMBRIA CONTRACTING, INC., DEMOLITIONS

Agenda Item #6

RE: Approval of Contract CD2007-01 to Cambria Contracting, Inc. for Utility Abandonment, Asbestos Abatement and Demolition of various properties

The following was the result of bids received by the Department of Community Development on June 5, 2007 for the demolition of 26 structures identified on the attached list.

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Cambria Contracting	\$529,800
Mark Cerrone Inc.	\$723,884
Metro Contracting & Environmental	\$815,628
Yarussi Construction, Inc.	\$880,000

It is our recommendation that a contract be awarded to the low bidder, Cambria Contracting Inc, at their base bid amount of \$529,800.

Funding is available in following Community Development Budget Codes:

• CDR (Demolition)	\$414,965.00
• CIA (Interim Assistance)	59,148.21
• CPI (Public Facilities)	18,705.72
• CPS022 (Police Substation)	20,000.00
• CAD023 (CD Administration)	16,981.07
	<u>\$529,800.00</u>

Will the Council vote to so award contract CD2007-01 to Cambria Contracting Inc. as described herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

CAPITAL IMPROVEMENTS

Agenda Item #7

RE: Approval of Capital Improvement Projects/Equipment Purchases

As part of the budget approval process for 2007 the Council approved the recommended Capital Plan which was included with the budget and a copy of which is attached hereto(on file in City Clerk's Office). This Plan projects through 2012.

At your May 14, 2007 meeting I submitted the Administration's recommendation for capital improvement projects and capital equipment purchases that were in keeping with the plan to fund \$3 million annually using Casino revenues to repay the related bonds. A copy of that item is also attached. As has previously been requested by the Administration and has been noted by several Council members many City buildings are in need of roof repairs or replacements. Attached hereto is the City Engineer's estimate for the needed roof work on City buildings. This totals \$1.5 million.

Also attached is a revised five (5) year Capital Plan prepared by the City Engineer.

The City cannot afford to wait until September to approve Capital Expenditures as it did last year. This leads to new snow plows being delivered in the spring, after the plowing season and bidding for public improvement work at the end of the construction season.

The Council and Administration need to agree on the Capital Expenditures that will be funded for 2007 so that bids can be sought, awarded and the work done as soon as possible.

I am available to meet with the Council at any time or at a special Council meeting to finalize this list.

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

Yeas	5
Nays	0
	APPROVED

2004 IN REM: RECONVEYANCE OF TITLE

Agenda Item #8

RE: Approval to authorize the reconveyance of title to former owners of parcels in the 2004 in rem

The City is in the process of acquiring title to a number of parcels through the 2004 in rem tax foreclosure. These properties will be auctioned on June 27, 2007. Frequently, the former owners attempt to redeem their property by paying all outstanding or delinquent City, School and County taxes with penalties and interest prior to the auction. Although this is not a legal right, this has been allowed by City Council in the past to avoid unnecessary hardship. Accordingly, we are recommending that this Council authorize the reconveyance of title to those former owners who pay all outstanding City, School and County taxes with penalties and interest, and any applicable recording fees on or before the close of business on June 26, 2007.

Will the Council so approve and authorize the execution and delivery of deeds by the Mayor to any property owners who tender payment as set forth?

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

Yeas 5  
Nays 0

APPROVED

RESOLUTION: HARRIET TUBMAN, LEGACY, 2007-47

Agenda Item #9

Relative to the Legacy of Harriet Tubman in Niagara Falls

BY: All Council Members

WHEREAS, Harriet Tubman looms large in the story of the Underground Railroad using the Suspension Bridge in Niagara Falls to lead slaves on the final leg of their journey to Canada and to a route to freedom for many escaping slaves; and

WHEREAS, this occurrence is completely reliable and is recorded in Tubman's 1869 semi-autobiography according to Kate Clifford Larson, author of "Harriet Tubman; Portrait of an American Hero"; and

WHEREAS, the State has begun to embrace a \$250,000 plan downriver in Lewiston to create a life-size bronze sculpture that would depict Tubman with Josiah Tryon, Lewiston's station master on the Underground Railroad, helping a slave family step from a rowboat to freedom in Canada. However, there is no proof that Tubman ever helped Tryon send any slave to freedom from Lewiston; and

WHEREAS, this proposal is "bad history" and could hurt the Falls' efforts to honor Harriet Tubman at the unmarked bridge abutment at the site of the former Suspension Bridge, where it is documented that Tubman escorted slaves to Canada. Efforts are underway, by Councilmember Charles Walker and NYS Senator Antoine Thompson to create a "North Star on North Main" project which includes honoring Tubman with significant historical accuracy; and

WHEREAS, Lewiston planners acknowledge there is no evidence Tubman led crossings in their area and this makes Lewiston's bid to hijack Tubman's legacy another historical falsehood.

BE IT RESOLVED, THAT, when it comes to cultural tourism, the truth is the only thing that sells. Tourists crave authenticity, not fiction.

The Niagara Falls Tourism Advisory Board supports a proposed monument to Harriet Tubman, a monument to be located near a site where she helped former slaves find freedom on Main Street in Niagara Falls.

NOW, THEREFORE BE IT RESOLVED, that the Niagara Falls City Council supports the fact that Main Street in Niagara Falls is the hotbed for the Underground Railroad experience which was directly used by Harriet Tubman and that this location should be the only place marking that historical occurrence. The City Council also supports locating a bronze statue of Tubman near a bridge abutment near Ontario and Whirlpool Streets in Niagara Falls and not in Lewiston which is historically inaccurate.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: CHAPTER 178 OF THE CODIFIED ORDINANCES ENTITLED "CITY OF  
NIAGARA FALLS DISCRIMINATION AND HARASSMENT POLICY", 2007-48

Agenda Item #10

Relative to adopting Chapter 178 of the Codified Ordinances  
entitled "City of Niagara Falls Discrimination and Harassment  
Policy"

BY: Council Member Charles Walker

BE IT RESOLVED by the City Council of Niagara Falls, New York that  
Chapter 178 of the Codified Ordinances entitled "City of Niagara Falls  
Discrimination and Harassment Policy" is hereby adopted to read as  
follows:

Chapter 178  
CITY OF NIAGARA FALLS  
DISCRIMINATION AND HARASSMENT POLICY

Section 178.01 INTRODUCTION

The City of Niagara Falls believes in the dignity of the individual and recognizes the right of any person to equal opportunities. In this regard, the City has had a longstanding practice of protecting and safeguarding the rights and opportunities of any person who might seek or obtain employment without being subjected to illegal discrimination or harassment in the workplace. Solely for the purposes of this policy, the term "employee" shall also include a volunteer.

Section 178.02 POLICY STATEMENT

In addition to prohibiting illegal discrimination on the basis of race, color, sex, religion, age, disability, marital status, military status, national origin, or other unlawful conduct, the City of Niagara Falls also prohibits the illegal harassment of its employees or officers in any form. The City will take all steps necessary to prevent and stop the occurrence of any illegal discrimination or harassment in the workplace.

(a) This policy applies to all City officers and employees and all individuals who serve as contractors to the City. Depending on the extent of the exercise of control, this policy may be applied to the conduct of those who are not officers or employees or contractors of the City with respect to illegal discrimination or illegal harassment of City officers or employees in the workplace.

(b) The City and this discrimination and harassment policy prohibit conduct that is illegal under State or federal law including, but not limited to, the inappropriate forms of behavior described in Section 178.03 of this policy under the section entitled "Definition of Sexual Harassment."

(c) Department heads and supervisory personnel are responsible for ensuring a work environment free from unsolicited, unwelcome, and intimidating unlawful discrimination or harassment. These individuals must take immediate and, if authorized, appropriate corrective action when allegations of discrimination or harassment come to their attention to assure compliance with this policy. Should a department head or supervisor not be authorized to take corrective action, the matter shall be referred to the individual or body, as the case may be, having the authority to discipline.

(d) A person who is found to have committed an act of unlawful discrimination or harassment or other inappropriate behavior will be subject to disciplinary action in accordance with the provisions of a negotiated labor agreement or State law, as may be appropriate. Additionally, retaliation against someone who has complained about prohibited discrimination or harassment is strictly prohibited as is retaliation against an individual who cooperates with an investigation of a discrimination or harassment complaint. Any such retaliatory conduct is illegal and will result in disciplinary action against the retaliator, if that person is an officer or employee of the City. Intimidation, coercion, threats, reprisals, or discrimination against any person for complaining about unlawful discrimination or harassment, as described in this policy, is prohibited.

(e) All City officers and employees will be held responsible and accountable for avoiding or eliminating the conduct prohibited by this policy. City employees are encouraged to report violations of this policy to their supervisor or to a member of the discrimination/harassment committee. This committee shall consist of two members: The Corporation Counsel or his/her designee and the Director of Human Resources or his/her designee.

Section 178.03 DEFINITION OF HARASSMENT

(a) DISCRIMINATORY HARASSMENT

(1) Unwelcome verbal or physical conduct which is directed at a person because of their race, color, religion, national origin, sex, sexual orientation, age, veteran status, or disability, when:

- a. Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance;
- b. Such conduct creates or has the intention of creating an intimidating, hostile, or offensive working environment; or
- c. Such conduct unreasonably interferes with one's ability to participate in or benefit from City programs or activities.

(b) SEXUAL HARASSMENT

(1) Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct with sexual overtones constitute sexual harassment when:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's work; or
- b. Submission to, or rejection of, such conduct by an individual is used as the basis for workplace decisions such as promotion, transfer, or termination, affecting such individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(2) Sexual harassment refers to behavior that an individual does not welcome; that is personally offensive; that fails to respect the rights of others; that lowers morale and that, therefore, interferes with an individual's work performance and effectiveness; or that creates an intimidating, hostile, or offensive working environment. Specific forms of behavior that the City would consider sexual harassment include, but are not limited to, the following:

a. VERBAL HARASSMENT:

Abusive verbal language related to a person's sex, including sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes of a sexual nature; sexual propositions; and threats. Included would be any sexual advance that is unwelcome or any demand for sexual favors.

b. NON-VERBAL HARASSMENT:

Abusive written language, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

c. PHYSICAL HARASSMENT:

Any physical contact which is not welcome, including touching, petting, pinching, coerced sexual intercourse, assault, or persistent brushing up against a person's body.

Section 178.04 OVERVIEW

(a) Any City officer or employee is encouraged to report an incident of suspected discrimination or harassment to a department head, the City Administrator, the Director of Human Resources or to the discrimination/harassment committee as soon as possible after an alleged incident. A victim does not have to be the opposite sex of the harasser. The harasser does not have to be victim's immediate supervisor. The harasser could be an agent of a supervisor, another supervisor, a co-worker, or even someone not on the payroll of the City who might have occasion to appear at a work site or enter a City building or facility. A victim of sexual harassment does not necessarily have to be the person at whom unwelcome sexual conduct is directed. Such an individual could be someone who is affected by such conduct when it is directed towards another person, thereby creating a hostile work environment. Such conduct is unlawful and is prohibited by the City and by this policy.

(b) Should an officer or employee believe that he or she has been discriminated against or harassed and would like guidance as to how to proceed in filing a complaint, that individual should review the City's discrimination and harassment complaint procedure or contact any member of the discrimination/harassment committee.

(c) Should an individual file a complaint, the procedures of the discrimination/harassment committee must be followed, including the time limit of 180 days. The procedures describe the steps to be taken when an employee has filed a complaint, detail the responsibilities of all involved parties, and provide the time frames for actions to be taken.

(d) All complaints will be handled in a timely and confidential manner. In no event will information concerning a complaint be released by the City to any third party or to anyone within City government who is not directly involved with or in the investigation. A breach of this prohibition will result in disciplinary action.

(e) The investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident or incidents occurred. Confidentiality will be maintained throughout the investigatory process. The discrimination/harassment committee will also investigate cases in which a supervisor requests or requires assistance.

(f) An individual who believes that he or she has been unjustly charged with illegal discrimination or harassment in violation of this policy will be afforded every opportunity to offer and present information in defense of the complaint. Any information will be confidential.

(g) A person who participates in this procedure may do so without fear of retaliation. Retaliation against anyone who has filed a complaint under this policy is prohibited and may be a violation of federal or state law. Any such retaliation will result in disciplinary action by the City.

(h) A person who is found to have committed an act of illegal discrimination or harassment will be subject to disciplinary action in accordance with the provisions of a negotiated labor agreement or State law, as may be appropriate.

(i) Nothing in this policy should be construed to limit an individual's existing right to file a complaint with the New York State Division of Human Rights or the U.S. Equal Employment Opportunity Commission or to take any legal action which he or she may deem advisable.

Section 178.05 DISCRIMINATION AND HARASSMENT COMPLAINT  
PROCEDURE

(a) STEP ONE

(1) An aggrieved person, hereafter referred to as the complainant, will meet with his or her department head to discuss an allegation of illegal discrimination or harassment and may file a complaint of discrimination or harassment. If a complaint is filed, the department head shall send a signed complaint on a form available from the City to the discrimination/harassment committee. Should an individual feel uncomfortable raising an issue of alleged illegal discrimination or harassment with a department head, any other department head or a member of the discrimination/harassment committee may be approached. Verbal complaints may be handled informally.

(2) Any written complaint must be filed by a complainant within 180 days of an alleged act of illegal discrimination or harassment on a form available from the City.

(3) The complainant may withdraw his or her complaint at any time by filing a notice in writing on a form available from the City.

(b) STEP TWO

(1) When a written complaint is filed, the department head or committee member shall have 15 working days to try to resolve the allegation informally by 1) gathering and assessing the facts deemed necessary to resolve it; 2) meeting with the alleged abuser and the complainant separately; and 3) using whatever other methods deemed necessary or appropriate to attempt to resolve the complaint.

(2) Regardless of whether the complaint is written or verbal, if a resolution is achieved by a department head, he or she will prepare a statement that the complaint has been resolved. All parties must sign the statement which shall be sent to the discrimination/harassment committee. The case will be considered closed.

(3) If a complaint is not resolved, it will be turned over to the discrimination/harassment committee. The committee will investigate the complaint, call witnesses to appear before the committee, and review any other evidence the committee feels credible and probative of the allegation or allegations. Notice of the complaint must be given to the accused, who shall also be afforded an opportunity to appear before the committee, with or without counsel, if he or she so desires. The committee will have fifteen (15) working days to investigate the complaint and an additional fifteen (15) working days to render a decision.

(4) Written notice of the committee's decision will be given to both the complainant and the accused.

Section 178.06: GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

(a) This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment, practices and policies or the provision of services, activities, programs, or benefits by the City of Niagara Falls, NY.

(b) The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

(c) The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator  
City of Niagara Falls  
745 Main Street  
Niagara Falls, NY 14302-0069  
(716) 286-4430

(d) Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of City of Niagara Falls and offer options for substantive resolution of the complaint.

(e) If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the City Administrator, who will convene the appropriate City Departments and Personnel to review and address the appeal.

(f) Within 15 calendar days after receipt of the appeal, the City Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the City Administrator will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

(g) All written complaints received by the ADA Coordinator, appeals to the City Administrator and responses from the ADA Coordinator and City Administrator will be maintained by the City of Niagara Falls for at least three years.

Section 178.07: REASONABLE ACCOMMODATION POLICY FOR INDIVIDUALS WITH DISABILITIES

(a) In accordance with the Americans with Disabilities Act of 1990, the City of Niagara Falls has adopted the following policy for addressing requests for reasonable accommodations made by people with disabilities in its employment, services, activities, programs, policies, procedures, rules and regulations.

(b) Individuals seeking reasonable accommodations through the ADA should submit their request in writing\* to:

ADA Coordinator  
City of Niagara Falls  
745 Main Street  
Niagara Falls, NY 14302-0069  
(716) 286-4430

(c) If the ADA Coordinator wishes to grant the accommodation, the petitioner will be notified within one week of receipt of the request and no further action will be required by the petitioner. The request will then be implemented by the appropriate City Department.

(d) If the ADA Coordinator refuses to grant the accommodation request, the petitioner will be notified in writing of the decision, along with his or her rights to file a grievance under the City's Grievance Procedure, in a format acceptable to the petitioner. A copy of that procedure will be included in the correspondence to the petitioner.

\* Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing.

**CITY OF NIAGARA FALLS  
COMPLAINT OF DISCRIMINATION OR HARASSMENT**

NAME OF COMPLAINANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

DATE OF HIRE: \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

YOUR DEPARTMENT: \_\_\_\_\_

DEPARTMENT HEAD: \_\_\_\_\_

NAME AND TITLE OF PERSON(S) COMPLAINED OF: \_\_\_\_\_

DATE(S) OF INCIDENT(S): \_\_\_\_\_ TIME: \_\_\_\_\_

DESCRIPTION OF INCIDENT(S):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ARE YOU STILL EMPLOYED BY OR VOLUNTEERING FOR THE CITY OF NIAGARA FALLS:

\_\_\_\_\_

ACTION YOU ARE SEEKING:  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE  
DATE \_\_\_\_\_

**CITY OF NIAGARA FALLS  
WITHDRAWAL OF DISCRIMINATION OR HARASSMENT COMPLAINT**

NAME OF COMPLAINANT: \_\_\_\_\_

DATE COMPLAINT WAS FILED: \_\_\_\_\_

DEPARTMENT HEAD NOTIFIED: \_\_\_\_\_

I HEREBY WITHDRAW THIS COMPLAINT AND AGREE THAT NO FURTHER ACTION IS REQUIRED ON IT.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Yeas	5
Nays	0
	ADOPTED

Agenda Item #11

Relative to adopting a Local Law to amend the City Charter as amended, by amending Article XXXII entitled "Department of Engineering and Inspections"

A local law to amend the Niagara Falls City Charter as amended, by amending XXXII of the Niagara Falls City Charter, entitled "Department of Engineering and Inspections" to eliminate the inspections functions within said department as follows:

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 XXXII, entitled "Department of Engineering and Inspections" to read as follows:

ARTICLE XXXII

DEPARTMENT OF ENGINEERING SERVICES [AND INSPECTIONS]

Section 562. Department of Engineering Services [and Inspections], City Engineer, Duties.

[Section 563. Building Commissioner, Powers.

Section 564. Electrical and Plumbing Inspections

SECTION 562. Department of Engineering Services [and Inspections], City Engineer, Duties.

There is hereby created a Department of Engineering Services [and Inspections] under the control and supervision of the City Engineer, who shall be a licensed Professional Engineer in the State of New York. The Department shall be responsible for and perform the following [engineering] functions:

(1) The construction, reconstruction, repair and maintenance (other than ordinary repair and maintenance) of all City buildings, structures, facilities, streets sidewalks, right-of-way, water and sewer lines, and related engineering functions;

(2) The preparation of design criteria, specifications, plans, investigations, inspections, cost estimates, contract bid tabulations, contract payments and related work in connection of all public works;

(3) The conducting of field surveys, compilation of engineering data, and the investigation and review of structural, street, sanitary, hydraulic, and other engineering designs;

(4) The provision of technical engineering services to all other City departments; and

(5) The supervision and direction of retained consultants, engineers and contractors on public works

The Department shall not, however, be responsible for or perform any of the foregoing functions and duties in connection with the Department of Water Facilities or Department of Wastewater facilities and works thereto.

[SECTION 563. BUILDING COMMISSIONER, POWERS.

(a) The City Engineer shall be the Building Commissioner of the City of Niagara Falls, and shall have all the power, rights, privileges and authority previously held or exercised by the Director of Building, Housing and Rehabilitation and the City Engineer shall be deemed the Director of Building, Housing and Rehabilitation whenever reference shall be made to the Director of Building, Housing and Rehabilitation and the City Engineer shall be deemed the Director of Inspections wherever reference shall be made to the Director of Inspections.

(b) The City Engineer, shall have all the powers and duties which state law, city ordinances or other sections of the city charter specify as the powers and duties of the Building Commissioner. In addition thereto, the City Engineer shall be the administrative head of the department and shall carry out his duties under the direction of the City Administrator. He shall be responsible for the enforcement of all minimum housing standards. It shall be his duty to enforce the laws of the state and the ordinances of said city relating to the construction, alteration or removal of all buildings or structures erected or to be erected within said City of Niagara Falls, and in so doing he may revoke any building permit issued by him therefor. Application for permission to construct, alter or remove buildings or structures within said City of Niagara Falls shall be made to the said City Engineer upon forms to be provided by said city, and shall be accompanied by plans and specifications therefor. He shall investigate such application and examine such plans and specifications and report the same to the City Administrator with his recommendation thereon when required, and without unnecessary delay shall complete said investigation and examination and thereupon forthwith grant or refuse said permit. It shall be the duty of the City Engineer to exercise administrative control over plumbing inspections so as to coordinate plumbing inspection with the total building inspection program.

SECTION 564. ELECTRICAL AND PLUMBING INSPECTIONS.

(a) Within said Department there shall be a Chief Electrical Inspector. The Chief Electrical Inspector shall be appointed by the City Administrator and it shall be his duty, under the direction of the City Engineer, to grant and refuse permits relating to electrical wiring construction and the use thereof in said city except the electrical power stations and facilities operated by electrical power utilities and under the jurisdiction of the Public Service Commission of the State of New York. He shall inspect the electrical wiring of all buildings subject to his jurisdiction and if the work performed and materials furnished shall not be in accordance with the statutes of said state and ordinances and rules of said city, he shall cause the same to be done in accordance therewith. He shall enforce all ordinances of said city and statutes of said state relating to matters within his jurisdiction. All permits issued by said Chief Electrical Inspector shall be countersigned by the City Engineer. Electricity shall not be turned on in any building within the said City of Niagara Falls, subject to the jurisdiction and visitation of the Chief Electrical Inspector, without written permission of said Chief Electrical Inspector and the city shall furnish blanks for that purpose. Anyone aggrieved by the refusal of said Chief Electrical Inspector to grant such permit or permission may appeal by written notice to the City Administrator who shall forthwith investigate and confirm such refusal, or reverse the same and direct the granting of the permit or permission.

(b) Within said Department there shall also be a Plumbing Inspection section which shall be composed of the Plumbing Inspectors of the City of Niagara Falls who shall, in addition to discharging the duties prescribed for them by the General City Law and the laws of the State of New York, before any plumbing, sewers or drains are constructed or altered in any premises in said City, approve the plans and specifications therefor, and shall issue to the owner or party applying therefor a written permit to be countersigned by the City Engineer when such plans and specifications are approved by him, and the construction or alteration of any plumbing, drains or sewers by any owner or person on any premises within said city without first obtaining such written permit of said Plumbing Inspectors, shall be unlawful and is hereby declared to be a misdemeanor and the unauthorized plumbing, sewerage or drains shall be deemed a nuisance and shall be reconstructed or altered as directed and permitted by said Plumbing Inspectors. Said Plumbing Inspectors shall discharge such other duties in addition to those herein imposed upon them or imposed upon them by the laws of the State of New York or the City Engineer.

(c) The Examining Board of Plumbers of the City of Niagara Falls is continued and is hereby designated to carry out the provisions of sections forty-five-b and forty-seven of the General City Law of the State of New York and the said Examining Board of Plumbers shall possess the power, duties and authority set forth in said sections conferred upon said Examining Board of Plumbers, such Board being duly designated by Local Law.

Every master plumber, journeyman plumber and apprentice plumber shall register with the Examining Board of Plumbers under such rules as the said Board shall pass upon.]

Section 2. This local law shall take effect as provided in the Municipal Home Rule Law.

Underlining and **Bold** indicate additions.

**Bold** and **[Brackets]** indicate deletions.

Yeas  
Nays

5  
0

ADOPTED

LOCAL LAW: AMEND BY ADDING CHAPTER XX ENTITLED "DEPARTMENT OF INSPECTIONS", 2007-5

Agenda Item #12

Relative to adopting a Local law to amend the City Charter by adopting Article XX entitled "Department of Inspections"

A local law to amend the Niagara Falls City Charter as amended, by adopting Article XX of the Niagara Falls City Charter, entitled "Department of Inspections" to read as follows:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The Niagara Falls City Charter, as amended, is hereby amended by adopting Article XX, entitled "Department of Inspections" to read as follows:

#### ARTICLE XX

##### DEPARTMENT OF INSPECTIONS

Section 510. Department of Inspections  
Section 511. Building Commissioner, Powers  
Section 512. Electrical and Plumbing Inspections

##### SECTION 510. Department of Inspections

There is hereby created a Department of Inspections under the control and supervision of the Director of Inspections, who shall be appointed by the City Administrator.

##### SECTION 511. BUILDING COMMISSIONER, POWERS.

(a) The Director of Inspections shall be the Building Commissioner of the City of Niagara Falls, and shall have all the power, rights, privileges and authority previously held or exercised by the Director of Building, Housing and Rehabilitation and the Director of Inspections shall be deemed the Director of Building, Housing and Rehabilitation whenever reference shall be made to the Director of Building, Housing and Rehabilitation.

(b) The Director of Inspections shall have all the powers and duties which state law, city ordinances or other sections of the city charter specify as the powers and duties of the Building Commissioner. In addition thereto, the Director of Inspections shall be the administrative head of the department and shall carry out his duties under the direction of the City Administrator. He shall be responsible for the enforcement of all minimum housing standards. It shall be his duty to enforce the laws of the state and the ordinances of said city relating to the construction, alteration or removal of all buildings or structures erected or to be erected within said City of Niagara Falls, and in so doing he may revoke any building permit issued by him therefor. Application for permission to construct, alter or remove buildings or structures within said City of Niagara Falls shall be made to the said Director of Inspections upon forms to be provided by said city, and shall be accompanied by plans and specifications therefor. He shall investigate such application and examine such plans and specifications and report the same to the City Administrator with his recommendation thereon when required, and without unnecessary delay shall complete said investigation and examination and thereupon forthwith grant or refuse said permit. It shall be the duty of the Director of Inspections to exercise administrative control over plumbing inspections so as to coordinate plumbing inspection with the total building inspection program.

SECTION 512. ELECTRICAL AND PLUMBING INSPECTIONS.

(a) Within said Department there shall be a Chief Electrical Inspector. The Chief Electrical Inspector shall be appointed by the City Administrator and it shall be his duty, under the direction of the Director of Inspections, to grant and refuse permits relating to electrical wiring construction and the use thereof in said city except the electrical power stations and facilities operated by electrical power utilities and under the jurisdiction of the Public Service Commission of the State of New York. He shall inspect the electrical wiring of all buildings subject to his jurisdiction and if the work performed and materials furnished shall not be in accordance with the statutes of said state and ordinances and rules of said city, he shall cause the same to be done in accordance therewith. He shall enforce all ordinances of said city and statutes of said state relating to matters within his jurisdiction. All permits issued by said Chief Electrical Inspector shall be countersigned by the Director of Inspections. Electricity shall not be turned on in any building within the said City of Niagara Falls, subject to the jurisdiction and visitation of the Chief Electrical Inspector, without written permission of said Chief Electrical Inspector and the city shall furnish blanks for that purpose. Anyone aggrieved by the refusal of said Chief Electrical Inspector to grant such permit or permission may appeal by written notice to the City Administrator who shall forthwith investigate and confirm such refusal, or reverse the same and direct the granting of the permit or permission.

(b) Within said Department there shall also be a Plumbing Inspection section which shall be composed of the Plumbing Inspectors of the City of Niagara Falls who shall, in addition to discharging the duties prescribed for them by the General City Law and the laws of the State of New York, before any plumbing, sewers or drains are constructed or altered in any premises in said City, approve the plans and specifications therefor, and shall issue to the owner or party applying therefor a written permit to be countersigned by the Director of Inspections when such plans and specifications are approved by him, and the construction or alteration of any plumbing, drains or sewers by any owner or person on any premises within said city without first obtaining such written permit of said Plumbing Inspectors, shall be unlawful and is hereby declared to be a misdemeanor and the unauthorized plumbing, sewerage or drains shall be deemed a nuisance and shall be reconstructed or altered as directed and permitted by said Plumbing Inspectors. Said Plumbing Inspectors shall discharge such other duties in addition to those herein imposed upon them or imposed upon them by the laws of the State of New York or the Director of Inspections.

(c) The Examining Board of Plumbers of the City of Niagara Falls is continued and is hereby designated to carry out the provisions of sections forty-five-b and forty-seven of the General City Law of the State of New York and the said Examining Board of Plumbers shall possess the power, duties and authority set forth in said sections conferred upon said Examining Board of Plumbers, such Board being duly designated by Local Law.

Every master plumber, journeyman plumber and apprentice plumber shall register with the Examining Board of Plumbers under such rules as the said Board shall pass upon.

Section 2. This local law shall take effect as provided in the Municipal Home Rule Law.

Underlining and **Bold** indicate additions.

**Bold** and **[Brackets]** indicate deletions.

Yeas  
Nays

5  
0

ADOPTED

RESOLUTION: HOME RULE MESSAGE RE: MUNICIPAL SAFETY COMPLEX, 2007-49

Agenda Item #13

Relative to Home Rule Message requesting New York State Legislature to exempt City of Niagara Falls Municipal Safety Complex from New York General Municipal Law Sections 101 and 103

BY: All Council Members

WHEREAS, the City of Niagara Falls has been exploring the most cost advantageous method of constructing a municipal safety complex, consisting of a courthouse and a police station, for the benefit of the residents of the City of Niagara Falls; and

WHEREAS, the City has retained the services of Ciminelli Development Co., Inc. and Largo Real Estate Advisors, Inc. to service designated developer for the municipal safety complex; and

WHEREAS, Ciminelli/Largo has made a preliminary determination that ownership, operation and financing of the municipal safety complex through a local development corporation created under Section 1411 of the New York State Not-for-Profit Corporation Law presents the greatest opportunity to the taxpayers of the City of Niagara Falls for minimizing the costs of construction for such complex; and

WHEREAS, in order to realize the full cost advantages of utilizing a local development corporation for the construction, ownership and financing of the municipal safety complex, the City has determined, based upon other similar special projects in the City of Niagara Falls and elsewhere, that special legislation is needed to allow the local development corporation to proceed with the construction, ownership and financing of the municipal safety complex without the burdens of complying with the requirements of the Sections 101 and 103 of the New York General Municipal Law; and

WHEREAS, there is now a proposal before the New York State Assembly and Senate to exempt the municipal safety complex from the requirements of Sections 101 and 103 of the New York General Municipal Law, which proposals are known as Assembly Bill A.8862 and Senate Bill S.5964.

NOW, THEREFORE, BE IT RESOLVED, that in order to maximize the financial benefits of constructing, owning and financing the municipal safety complex through a local development corporation, the City Counsel of the City of Niagara Falls hereby requests the New York State Legislature to enact Assembly Bill A.8862 and Senate Bill S.5964 to permit the construction, ownership and financing of the City of Niagara Falls municipal safety complex without the necessity of complying Sections 101 and 103 of the New York General municipal Law; and be further

RESOLVED, that the Clerk of the of the City of Niagara Falls is hereby directed to forward copies of this resolution to Governor Eliot Spitzer; to the Majority Leader of the New York State Senate Joseph L. Bruno; to the Speaker of the New York State Assembly Sheldon L. Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly, and to each member of the Western New York delegation to the New York State Legislature.

Yeas  
Nays

5  
0

ADOPTED

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

Carol A. Antonucci  
City Clerk

142

06/11/07



JUNE 25, 2007

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the June 25, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of June 11, 2007.

Yeas	5
Nays	0

APPROVED

Chairman Anderson asked that Agenda Item #9 be addressed, as members of the Cataract Little Loop Football Association were present. Council Member Robins asked if there were Community Development funds or interest from the Casino funds that could be used for this expense. Chairman Anderson felt that this was not an appropriate use for Tourism funds, and Mayor Anello responded that the only money available for this use was in the Tourism fund.

In his Administrative Update, Mayor Anello informed the Council Members that:

1. He had attended the NYCOM conference, where he was able to meet with representatives of the Governor to discuss the housing and other needs of the City.
2. He had attended the ribbon cutting ceremony for the Wine Bar/Loft Apartments on Third Street.
3. He had met with Mayors of various Canadian cities to discuss, among other issues, the decline in traffic over the borders.
4. The temporary pothole crews are fully equipped. Council Member Robins asked for a demonstration of the new ProPatch machine.
5. The additional funding for the Library (Agenda Item #6) will be added to the original appropriation, and not be given as a check to the Library. The shortfall is due to a buyout for an additional retiree, and a change in the health insurance plan for the Director. The Budget for the Library is not a line item budget, and the City does not have a copy of the budget. Dolores Marino spoke on behalf of the Library Board, and City Controller Maria Brown suggested that the records of expenses be reconciled between the Library and the City.
6. He had met with the head of Homeland Security to discuss the passport issue.
7. He had met with Mr. Bergamo from NFR, to inform him that the Inspections Department was not holding up permits, the door was open for all development, and information regarding Empire Zone regulations would be made available to him.
8. The family of Lorne Henry had requested that a street in the City be named after him. Chairman Anderson suggested that the matter be tabled for a few years, until all local war heroes could be honored at the same time.
9. The Capital Plan needs to be discussed (Agenda Item #11) in order to properly plan for the future. Council Member Rotella suggested aggressively pursuing the State for more funding for street/sidewalk repairs.

Council Member Robins asked about the status of the Greens Restaurant. Acting Corporation Counsel Damon DeCastro said that the restaurant management has changed, and the hours of operation coincide with the times that the golf course is open. A lengthy discussion followed on various parts of the contract, and Mrs. Brown will check if there is any outstanding debt.

Council Member Robins commented on the appearance of Daly Boulevard, and other Council Members added areas of the City that also need to be cleaned up. Mr. Bradberry responded that with the Council's approval of Items on the Agenda, these issues will be addressed. It was also suggested that maintenance of certain areas be put out to bid for private companies or students of horticulture schools to maintain.

Council Member Robins asked about the status of the Corporation Counsel position, and Mr. DeCastro replied that the Mayor is waiting for recommendations from the Council.

Laura Landers of the Freed, Maxick, Battaglia Accounting Firm gave a presentation on the City's 2006 Audited Financials. She said that the Audit shows a surplus, due to an unexpected increase in State Aid, and Mrs. Brown added that the Administration and Department Heads have been monitoring expenditures very closely.

Deputy Corporation Counsel Thomas O'Donnell said that there were two Items to be added to the Agenda:

1. A communication relative to use of additional Community Development funds to create a CD Clean Team.  
Council Member Robins moved to add the communication to the Agenda.  
Yeas 5  
Nays 0

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

2. A communication relative to extension of the Architectural Services Contract with Giusiana Architects.  
Council Member Robins moved to add the communication to the Agenda.  
Yeas 5  
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED  
The communication was added to the Agenda as #23.

This Session ended at 5:30 PM

Chairman Anderson reconvened the Meeting at 7:13 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fruscione and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Joe Luna	Agenda Item #9
Kyle Jeffords	Agenda Item #9
Josh Houston	Agenda Item #9
Marc & Ryan Daul	Agenda Item #9
Keenan Ollison	Agenda Item #9
Roger Spurback	Agenda Items #13 & 14
Russ Petrozzi	Agenda Items #17 & 18
Ron Anderluh	Agenda Items #17 & 18
Ken Hamilton	Agenda Items # 21 & 6
Marjorie Gillies	Agenda Items #13 & 14
Mary Jo Zacher	Agenda Items # 13 & 14
Cal Babcock	Agenda Items # 13 & 14
Roger Spurback	In Rem Auction
Raymond Page	Asked that Dome Theater be pulled from In Rem Auction
Ralph Guetta	Condition of properties in 300 block of Buffalo Avenue
John McNab	Thanked Fire Department
Ken Hamilton	Condition of properties in City
Margaret Baker	Condition of neighbor's yard

The following was RECEIVED AND FILED:  
Agenda Item #1  
City Clerk's Report for May, 2007.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CLEAN-UP OF PRIVATE AND CITY-OWNED LOTS, NIAGARA GRASS CUTTING

Agenda Item #2

RE: Approval of Bid #9-07 with Niagara Grass Cutting to clear, cut and mow properties.

At its meeting of April 16, 2007, the Council awarded the above referenced bid to Scapes (see attached)(on file in City Clerk's Office). Since commencement of the work the contractor has been unable to clear the vacant lots according to the City's specifications. Staff recently met with the contractor and mutually agreed to end the contract.

The second low bidder was contacted and has agreed to honor their bid prices. Therefore, we respectfully request the Council re-award Bid #9-07 as follows:

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

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

- 1. up to 35' frontage \$ 8.00/lot
- 2. 36' to 50' frontage 10.00/lot
- 3. 51' to 100' frontage 10.00/lot
- 4. 101' to 1 acre 12.00/lot
- 5. over 1 acre 30.00/lot
- 6. margins and improved property 10.00/man hour

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Five (5) vendors. Three (3) bids were received.

The above referenced company submitted the second lowest bid to meet our specifications.

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

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: EMPLOYEE ASSISTANCE PROGRAM, FAMILY AND CHILDREN'S SERVICE OF NIAGARA, INC.

Agenda Item #3

RE: Approval of Agreement with Family and Children's Services of Niagara, Inc. to provide an Employee Assistance Program

Attached(on file in City Clerk's office) is a proposed agreement with Family and Children's Service of Niagara, Inc. to provide an Employee Assistance Program for non-uniform employees of the City of Niagara Falls. Funding is included in the 2007 Budget.

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

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

Yeas 5  
Nays 0

APPROVED

COURT HOUSE PROJECT: DEVELOPER COSTS

Agenda Item #4

RE: Approval to pay Invoice #14 in the amount of \$176,130.33 for Court House Project for a total to date of \$1,333,470.91

Attached is Invoice #14 from the Developer for \$176,130.33

Total paid to date is \$1,333,470.91.

Will the Council approve the payment?

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

Yeas 5  
Nays 0

APPROVED

CITY CLERK'S DEPARTMENT: RECLASSIFICATION OF JR. ACCOUNT CLERK TO ACCOUNT CLERK

Agenda Item #5

RE: Approval of reclassification of two Jr. Account Clerks to Account Clerks in the City Clerk's Office

At the May 31, 2007 meeting of the Municipal Civil Service Commission, the Commission approved a reclassification request for two (2) Jr. Account Clerks to the position of Account Clerk in the City Clerk's Office. Savings come from the replacement of the Principal Clerk at a lower grade and the position being open for a period of time.

The cost to the City Clerk's Department is as follows:

**Jr Account Clerk to Account Clerk (2 positions)**

Budgeted Salary for 2007	45,126.57
Increase for 2007	2,122.94
FICA	162.40
Pension	212.29
Account Clerk Increase	2,497.64

**Principal Clerk (1 position)**

Salary Savings	2,036.20
Savings from position being vacant	4,524.12
FICA	501.86
Pension	656.03
Principal Clerk Savings	7,718.22
Total Savings	5,220.58

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

LIBRARY: FUND BALANCE APPROPRIATION

Agenda Item #6

RE: Approval of appropriation from Fund Balance of \$54,244 for 2006 Library shortfall

During 2006 the Library's expenditures exceeded its revenue by \$54,244.

Will the Council appropriate this amount from Fund Balance to cover the shortfall?

Council Member Fruscione moved to table the communication.

Yeas 5  
Nays 0

TABLED

THE FOLLOWING ITEM WAS PULLED FROM THE AGENDA. NO ACTION WAS TAKEN.

Agenda Item #7

Request regarding renaming a portion of Lindbergh Avenue

I ask that the Council introduce a Resolution to initiate the process of renaming Lindbergh Avenue from 56<sup>th</sup> Street to Builders Way to Corporal Lorne Henry, Jr. Way in honor of the great sacrifice that he made to this country.

CONTRACT: THIRD STREET-OLD FALLS STREET AREA SUMMER CONCERT

Agenda Item #8

RE: Approval to fund concert in the Third Street-Old Falls Street Area on July 13, 2007 from the Tourism fund in the amount of \$2,500

In addition to the previously approved Summer Concert Series it has been recommended that there be an additional concert in the Third Street-Old Falls Street area on July 13, 2007 which would be funded from the Tourism Fund.

The cost for this additional concert would be \$6,500.

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

Council Member Robins moved to amend this item by changing the amount to \$6,500.

Yeas 5  
Nays 0  
APPROVED

Council Member Robins moved that the communication be received and filed and the recommendation approved as Amended.

Yeas 5  
Nays 0  
APPROVED AS AMENDED

CATARACT LITTLE LOOP FOOTBALL ASSOCIATION, INC.

Agenda Item #9

RE: Approval to fund \$10,000 for equipment to Cataract Little Loop Football Association from the Tourism Fund

As the Council is aware, the Cataract Little Loop Football Association has approached the City seeking \$10,000 for funding for equipment purchases.

I am advised by the Controller and the Law Department that this is not a proper expenditure for the City's General Fund. The only source of funding would be the Tourism Fund with the approval of Council.

Will the Council so approve?

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

Yeas 5  
Nays 0  
APPROVED

CONTRACT: WENDELL DUCHSCHERER ARCHITECTS AND ENGINEERS, P.C.

Agenda Item #10

RE: Approval of consultant agreement with Wendell Duchscherer Architects and Engineers, P.C. for Quality Communities Transportation Plan

The Council has previously approved participation in the Quality Communities Initiative Transportation Project which is funded through the New York State Department of Transportation and is 80% Federally funded and 20% non-Federally funded.

The City's match comes from the City's CDBG funds.

Wendell Duchscherer was selected as the consultant for this project at a lump sum of \$65,000.

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

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

Yeas 5  
Nays 0  
APPROVED

The following was RECEIVED AND FILED

Agenda Item #11

Request for meeting with Council to discuss capital Plan priorities

I would request that the Council schedule a special meeting prior to the next Council meeting to discuss with members of the Administration the priorities for the Capital Plan and hopefully arrive at a plan that can be supported by all parties so that purchasing and contracting can move forward as soon as possible.

WHIRLPOOL STREET CUSTOMS HOUSE, ROOF REPAIRS

Agenda Item #12

RE: Approval to appropriate \$20,000 from Fund balance for emergency repairs to Whirlpool Street Customs House roof

As the Council is aware, the roof on the Customs House is very deteriorated and poses a threat for destruction to the interior of the building.

It is requested that the Council appropriate \$20,000 from Fund Balance to make emergency repairs to the roof so that the structure can be stabilized until the first phase of construction that is scheduled to occur during 2008.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

NEIGHBORHOOD SERVICES: FUNDING, PARK AND STREET AREA MAINTAINANCE

Agenda Item #13

RE: Approval of transfer of \$55,000 from Casino Interest Income Fund balance to Neighborhood Services for parks and Street area maintainance

In order for the Neighborhood Services Division to properly fulfill its mission to keep our parks and street areas maintained, this division will need an additional \$55,000 in funding.

I am recommending that funds from the Casino Interest Income Fund Balance be transferred to cover this funding shortfall.

These funds will provide for an Operating Engineer, overtime and small equipment funding to address ongoing grass cutting needs, debris pickup and emergency maintenance of park and street areas.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

CLEAN NEIGHBORHOOD IMPACT TEAM: ADDITIONAL FUNDING

Agenda Item #14

RE: Approval to transfer \$21,000 from Fund Balance for additional staffing for Clean Neighborhood Teams

The Clean Neighborhood Teams provide an important service in improving the quality of life within the City. In order to impact larger areas of the City, I am requesting that the Council appropriate \$21,000 from Fund Balance to provide additional staffing for the Clean Neighborhood Teams.

This funding together with the Community Development funding that appears as a separate item will allow the City to have three (3) teams working.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

LETTER OF UNDERSTANDING: UNITED STEELWORKERS, LOCAL 9434-02

Agenda Item #15

RE: Approval of Letter of Understanding between the City and United Steelworkers, Local 9434-02

Attached(on file in the City Clerk's office) please find the proposed Letter of Understanding covering Seasonal Laborers effective May 14, 2007 negotiated by the City of Niagara Falls and the United Steelworkers, Local 9434-02.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

CLAIM: RONALD G. MAERTEN

Agenda Item #16

RE: Approval of settlement of claim of Ronald G. Maerten in the amount of \$500.70

Date Claim Filed: January 18, 2007  
Date Action Commenced: N/A  
Date of Occurrence: December 5, 2006  
Location: City parking lot on Rainbow Blvd.  
Nature of Claim: Slip and fall  
Status of Action: Claim stage  
Recommendation: Best interests of City to pay claim  
Amount to be Paid: \$500.70  
Make Check Payable to: **"Vicky-Marie Brunette Anthony, as attorney for Ronald G. Maerten"**

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

Yeas 5  
Nays 0

APPROVED

SCHOOL TAX LEVY: 2007-08

Agenda Item #17

RE: Approval of locally adjusted proportions for the Niagara Falls School District 2007-08 tax levy.

In accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and Section 1903-4© of the Real Property Tax Law, I have calculated the locally adjusted proportions for the Niagara Falls School District 2007-08 tax levy.

**School District**

Homestead 67.82695  
Non-Homestead 32.17305

As a reference, the 2006 Locally Adjusted Proportions for the school district were as follows:

Homestead 65.27977  
Non-Homestead 34.72023

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

Agenda Item #18

RE: Approval of certification of tax proportions to the New York State Office of Real Property services.

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify, to the New York State Office of Real Property Services, the attached referenced proportions.

The proportions certified will determine the class tax shares for the 2007-2008 school district tax levy and the 2008 city tax levy.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached(on file in City Clerk's office) adjusted base proportions?

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

Yeas 5  
Nays 0

APPROVED

The following was RECEIVED AND FILED

Agenda Item #19

Taxable totals of the General Assessment Roll for the year 2007

Listed below are the taxable totals of the General Assessment Roll for the City of Niagara Falls, New York, as now constituted and completed by the Board of Assessment Review for the year 2007 and will be filed with the City Clerk on July 2, 2007

Also, attached(on file in City Clerk's office), please find the exemption summary for the 2007 roll.

<b>Total Taxable Assessed Value</b>	<b>\$1,262,282,434</b>
Homestead	\$866,432,802
Non-Homestead	395,849,632
<b>Total</b>	<b>\$1,262,282,434</b>

RESOLUTION: PINE AVENUE BUSINESS ASSOCIATION SPECIAL CITIZENS, 2007-50

Agenda Item #20

Relative to honoring the Pine Avenue Business Association's 2007 Special Citizens of Pine Avenue

BY: Council Chairman Robert Anderson, Jr.

Council Member Samuel Fruscione

Council Member Chris Robins

Council Member Lewis Rotella

Council Member Charles Walker

WHEREAS, on Saturday, August 4<sup>th</sup> and Sunday, August 5<sup>th</sup>, 2007, the Pine Avenue Business Association will hold their Annual Italian Festival; and

WHEREAS, during the festival, PABA will honor eight individuals of Italian decent between the ages of 75 and 91 who have lived and/or worked the majority of their lives in the Pine Avenue business area or neighborhood. These "Cittadini Speciali" or Special Citizens of Pine Avenue were instrumental in making Pine Avenue a vibrant and viable business district; and

WHEREAS, the following Special Citizens will be honored:

- Teresa Anello**
- Henry Borgese**
- Mario Colucci**
- Frank Conde**
- Robert Fera**
- Ernest Fera**
- Martha Granieri**
- Philip Paonessa**

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the above-named Special Citizens as PABA's "Cittadini Speciali" for 2007.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: LASALLE LIBRARY HISTORIC DESIGNATION, 2007-51

Agenda Item #21

Relative to the LaSalle Library Historic designation

- BY: Council Chairman Robert Anderson, Jr.
- Council Member Samuel Fruscione
- Council Member Chris Robins
- Council Member Lewis Rotella
- Council Member Charles Walker

WHEREAS, in 1927, LaSalle became a part of the City of Niagara Falls. The LaSalle Branch of the Library was in a building on Buffalo Avenue, which it shared with a post office and a police station; and

WHEREAS, an offshoot of the LaSalle Literary Society, the library quickly became the hub of community life. Youngsters turned the pages of picture books at the slant-topped oak tables in the tiny children's room. Adults congregated in the inviting main reading room with its sunny, arched windows which featured a vibrant display of red geraniums; and

WHEREAS, during the 1950's the post office moved out and the library took over that space, almost doubling its size; and

WHEREAS, the LaSalle Library building is in the process of being nominated to the State and National Registers of Historic Places.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council supports the nomination of the LaSalle Library building to the State and National Registers of Historic Places.

Yeas	5
Nays	0

ADOPTED

COMMUNITY DEVELOPMENT: FUNDING CD CLEAN TEAM

Agenda Item #22

RE: Approval of \$34,900 Community Development Contingency Funds to create a CD Clean Team.

The Department of Community Development will be receiving a \$34,900 payment from the City Controller as reimbursement for demolition expenses incurred with Community Development funds that were subsequently paid to the City from homeowner insurance proceeds. The 2007 Community Development budget did not fund a Clean Neighborhood Team; however, based on a tremendous need to clean and maintain various areas of the City, we are recommending that the aforementioned \$34,900 be dedicated to the creation of a Community Development Clean Team that will work in CD eligible areas.

We estimate that 6 temporary workers can be employed for 13.5 weeks @\$10.00 per hour, plus FICA, with the \$34,900 allocation. Community Development Funds are available in budget code CON000 - Contingency. Will Council vote to so approve and authorize the Mayor and the Community Development Project Administrator to effectuate same?

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

Yeas	5
Nays	0

APPROVED

Council Member Walker noted that an additional \$110,000 was put into the Budget for this expense.

CONTRACT: GIUSIANA ARCHITECTS

Agenda Item #23

RE: Approval of extension of Architectural Services Contract with Giusiana Architects relating to the City's Commercial Façade Program.

On April 18, 2005, the Department of Community Development received approval from City Council for a two-year contract with Giusiana Architects for architectural services relating to the City's Commercial Facade Program which is offered in the following business districts:

- \* Pine Avenue
- \* Main Street
- \* Niagara Street
- \* East & West Market Street
- \* Highland Avenue
- \* Third Street

Giusiana Architects has performed to the complete satisfaction of the Department of Community Development in every aspect of the existing contract.

That contract has now expired and we are recommending that Council re-authorize the contract for a period of two (2) years, with a maximum contract upset fee of \$50,000. All other terms and conditions of the original agreement with Giusiana Architects will remain the same.

Community Development Funds are available in budget code CRC000 - Commercial Rehabilitation. Will Council vote to so approve and authorize the Mayor to execute a contract extension with Giusiana Architects?

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

Yeas  
Nays

5  
0

APPROVED

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 8:05 p.m.

Carol A. Antonucci  
City Clerk



JULY 9, 2007

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The first session of the July 9, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:05 p.m. in Room 17.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry, Acting Corporation Counsel Damon A. DeCastro, and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of June 25, 2007.

Yeas	5
Nays	0

APPROVED

Start: 3 PM

Present: Anderson, Fruscione, Robins, Rotella  
Walker arrived at 3:30 PM

Also present: City Administrator

Senior Planner Tom DeSantis gave a presentation on the Zoning Ordinance Comprehensive Plan, and opened the floor for comments. In response to questioning, he said that rezonings could be approved. Director of Inspections Guy Bax informed the Council Members that the Board of Appeals has State mandates that it must adhere to when considering requests for zoning changes. City Engineer Robert Curtis suggested starting small, with building heights increasing through variances. Council Member Rotella suggested putting the Plan up for a referendum to let the public decide, and Chairman Anderson suggested holding public forums instead of a referendum. Mr. DeSantis stated that the SEQR requirement would be the next step in the process. Fire Chief William MacKay informed the Council Members that input must be sought from the Water Board as to capability to handle additional water and sewer needs, and ISO mandates staffing levels for his Department.

This presentation ended at 3:45 PM

City Engineering Robert Curtis introduced Kelly Thompson of TVGA Engineering who spoke on the process for replacement of five traffic signals in the City. She said that this public information session was required in order to receive Federal aid for the project. Mr. Curtis informed the Council Members that the City's share for the project would be \$20,000 which would be paid out of Marchiselli funds.

In his Administrative Update, Mayor Vincenzo Anello said that:

1. The Golf Course has improved, and Council Member Robins agreed with him.
2. He has received positive feedback from citizens on the fireworks display and concert, and Chairman Anderson agreed with him.
3. Businesses on Third Street were aware that concerts would be held there, and were given the opportunity to participate in the process.
4. There were no problems relating to the Bike Rally.
5. Thirteen street repair projects have been completed in the North End. The Center City area would be next, and then the LaSalle area.

Fire Chief MacKay stated that actions are taken by his Department out of concern for the safety of citizens, and are not politically motivated, as has been suggested. Mr. Bax said that his Department works with the Fire Department when unsafe living conditions are investigated.

City Administrator William Bradberry, in his Administrative Update:

1. Thanked the Police and Fire Chiefs for their efforts during the Bike Rally and 4<sup>th</sup> of July festivities. He also thanked John Caso for the efforts of his staff in cleaning up the West Mall and downtown area, and the Tourism Board for planning the various events.

2. Said that he will set up a demonstration of the new Pro Patch machine in the City Hall parking lot for the Council Members.

3. Said that response to forms sent to City employees concerning compliance with the residency requirement is about 72%, which does not include Fire Department personnel, who are exempt. Also, he reported that the Police Department Union has filed an improper practice suit, which is being handled by the Law Department. The Administration is working with the Corporation Counsel to determine the next step in addressing residency compliance.

Chairman Anderson asked Mr. Bradberry if there was an update on the status of the elevator at the LaSalle Library, and he responded that he had no new information.

Chairman Anderson suggested an amnesty program for City residents in removal of trees/debris from the October storm, and the Mayor responded that two employees of the Forestry Division were called to duty in the military, but, with the Council's approval of Agenda Item #2, additional funds would be made available for cleanup.

Council Member Robins asked the Mayor how the funds would be distributed if Agenda Item #2 were approved, and the Mayor explained the process involved when tree removal, sidewalk replacement, street repair and demolitions are involved. Chairman Anderson asked that the Council be provided with a list of the areas where work will be done, and a time frame. Council Member Walker asked if the work will be done in house, and the Mayor responded that possibly it would not.

Council Member Robins asked about the cost for a new portable stage/bandstand (Agenda Item #3) and Mr. Bradberry responded that it was \$132,000.

Council Member Walker questioned the scope of work for an outside attorney to handle the Court House Project (Agenda Item #4). Mr. DeCastro, and Morton Abramowitz, consultant Attorney to the Council, responded, and a lengthy discussion followed.

Chairman Anderson asked if the City or the developer was purchasing the properties for the Court House Project (Agenda Item #5), and Mr. DeCastro replied.

Council Member Robins asked why Agenda Item #6, relative to approval of an encroachment over City property, was being presented for Council approval before receiving Planning Board approval. Mr. DeCastro responded that in order to expedite the process, the Council could give their approval, conditional on Planning Board approval.

Council Member Robins asked if the surrounding homeowners had been surveyed on the designation of the Park Place Historic District (Agenda Item #7), and Tom Yots, the City Historian, informed him that the residents are in favor of the designation.

This Session ended at 5:10 PM.

Chairman Anderson reconvened the Meeting at 7:05 p.m. in Room 17 with all Council Members present. The prayer was said by Council Member Robins and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Norma Higgs	Agenda Item #1
Tom Insana	Agenda Item #7
Tom Yots	Agenda Item #7
Ken Hamilton	Agenda Item #8
Lillian Williams	Agenda Item #8
Earl Robinson	Vendors at One Niagara
Ferris Anthony	Reinstate Positions eliminated in Budget
Jeremy Mixon	Conditions at 91 <sup>st</sup> Street Park
Diane Bernat	Falls Street Block Club
Roger Spurback	Conditions in City
Wendy Kovacs & Charles Primerano	Name Change for Lindbergh Avenue
Sandie Primerano	Name change for Lindbergh Avenue
Ken Hamilton	Hope VI Project
Andrea Milleville	Name change for Lindbergh Avenue

The following was RECEIVED AND FILED:

Agenda Item #1  
Claims Report for June, 2007.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CASINO FUNDS:

Agenda Item #2

RE: Approval to transfer \$500,000 of Casino Funds allocated to Urban Renewal Agency to the City for additional street resurfacing, side replacements and demolitions

I propose that \$500,000 of the Casino Funds that have been allocated to the Urban Renewal Agency be transferred to the City to be used for additional street resurfacing, sidewalk replacement and demolitions.

It is anticipated that because of improved weather and work practices the current allocation for resurfacing and sidewalk replacements will be exhausted several weeks prior to the end of the construction season.

Some of these funds would be used to plan the extension of that work in areas throughout the City.

The remainder of the funds would be used to help fund the next round of demolitions.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

Council Member Rotella asked for a list of all locations where work is to be done.

STAGE/BANDSTAND

Agenda Item #3

RE: Approval to accept NYS Assembly and Dormitory Authority Community Capital Assistance Grant Program grant in the amount of \$50,000 to purchase portable stage/bandstand

The City has received a grant through the New York State Assembly and Dormitory Authority Community Capital Assistance Grant Program in the amount of \$50,000.

This grant is to be used towards the purchase of a portable stage/bandstand.

Will the Council accept the grant and authorize the mayor to execute any necessary agreements in a form acceptable to the Corporation Counsel?

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

Yeas 5  
Nays 0

APPROVED

COURT HOUSE CONSULTANT

Agenda Item #4

RE: Approval to hire Court House consultant for the Law Department

The Law Department has been coordinating the City's review of the plans supplied by the Courthouse developer.

Additional expertise is needed so that the formation of an Local Development Corporation ("LDC") can be expedited and additional municipal complex related documents receive the proper review. Also, expertise is needed to support the proper oversight to ensure that the City receives the best value for its expenditures on the Courthouse.

It is requested the Council authorize the hiring of a consultant to provide the services to the City in an amount not to exceed \$30,000.

Funding would come from the money currently bonded for the preconstruction portion of the Courthouse.

Will the Council so approve.

Council Member Fruscione moved to remove item from the table

Yeas 5  
Nays 0

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

Yeas 5  
Nays 0

APPROVED

Council Member Walker said that this will give the Law Department help to make decisions on financing and move the project forward.

CONTRACT: 1931 MAIN STREET

Agenda Item #5

RE: Approval of contract for the purchase of 1931 Main Street related to the Courthouse Project

Pursuant to Section 1.5 of the Development Services Agreement attached is a contract for the purchase of the following parcel related to the Courthouse Project: 1931 Main Street.

Will the Council so approve with the requirement that the contract be immediately assigned to the City and authorize the Mayor to execute same?

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

Yeas 5  
Nays 0

APPROVED

Council Member Walker said that this will move the project forward.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY CORPORATION COUNSEL

ENCROACHMENT: 302 FERRY AVENUE

Agenda Item #6

RE: Approval of recommendation to grant encroachment for 302 Ferry Avenue for a sign and sidewalk patio

The City has received a request from the owners of the property at Third Street and Ferry Avenue for a sign and sidewalk patio encroachment.

This has been reviewed by the appropriate City departments which recommend approval subject to the compliance with the plans submitted to the Engineering Department and the agreement of the property owners to defend and indemnify the City from any and all liability arising from the granting of this permit and the owners adding the City of Niagara Falls as an additional insured on their commercial liability policy.

The encroachment is subject to revocation by the City on ninety (90) days written notice.

This approval is subject to a positive recommendation being granted by the Planning Board.

Will the Council so approve?

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

Yeas 4

Fruscione, Robins, Walker, Anderson

Nays 1

Rotella

APPROVED

Council Member Robins said that this will expedite the process although Planning Board approval should come first. Council Member Rotella said they shouldn't override the normal process.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE HISTORIC PRESERVATION COMMISSION

PARK PLACE HISTORIC DISTRICT

Agenda Item #7

RE: Approval of designation of the Park Place Historic District

Attached(on file in the City Clerk's Office)is the report from the Niagara Falls Historic Preservation Commission recommending establishment of the Park Place Historic District under the City Historic Preservation Ordinance. Also attached is a copy of the June 27, 2007 resolution of the Historic Preservation Commission recommending the establishment of the Historic District. This proposed designation was approved after public hearings as described in the attached resolution, with the participation of the building owners. The borders of the district are shown in the attached report, and generally include the lots on the north side of part of Cedar Avenue between Main Street and Third Street, Park Place, Fourth Street between Main Street and Cedar Avenue, part of the north/west side of Main Street between Cedar Avenue and Third Street and part of Pine Avenue between Main Street and Third Street.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

If the District is established, exterior alterations would require a certificate of appropriateness in addition to a building permit. The alterations, rehabilitation or renovations would have to comply with the standards for rehabilitation recommended by the Commission and set out in its report.

Will the Council vote to approve the designation of the Park Place Historic District, and forward the designation to the Mayor for approval, as provided by City Ordinance?

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

Yeas 5  
Nays 0  
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE PLANNING BOARD

RECEIVED AND FILED

Agenda Item #8

RE: Notice of Planning Board approval of Zoning Map and Zoning Text Amendment regarding Center Court Revitalization

**RECOMMENDATION TO CITY COUNCIL**  
**Zoning Map and Zoning Text Amendment**

Pursuant to action taken by the Niagara Falls Planning Board on the 27th day of June 2007, your request is hereby granted.

**NAME OF AGENT:** Linda Goodman (Norstar Development)

**ADDRESS OF ACTION:** 1501-1701 Beech Avenue, 1501 & 1751-1757 Center Avenue, 1303-2007 Center Avenue, and 1350 Garden Avenue

**PURPOSE:** Center Court Revitalization

RESOLUTION: HUMAN RIGHTS COMMISSION, APPOINTMENTS, 2007-52

Agenda Item #9

Relative to appointments to the Human Rights Commission

BY: Council Member Samuel Fruscione  
Council Member Charles Walker

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Human Rights Commission effective immediately for the expiration date, which appears opposite their name:

APPOINTMENT	TERM EXPIRES:
Noreen Hill 536 - 17 <sup>th</sup> Street Niagara Falls, NY 14301 716-940-5678	6/1/09
Stefan Booze 723 Seventh Street Niagara Falls, NY 14301 716-284-9961	

Yeas  
Nays

5  
0

ADOPTED

RESOLUTION: CABLE TELEVISION FRANCHISE AGREEMENT, 2007-53

Agenda Item #10

Relative to Cable television Franchise Agreement

BY: Council Member Samuel Fruscione

WHEREAS, in 2005 the City of Niagara Falls approved a franchise agreement with Adelphia; and

WHEREAS, Adelphia did not submit this franchise agreement to the New York Public Service Commission for approval; and

WHEREAS, Time Warner has now acquired the Adelphia system in Niagara Falls; and

WHEREAS, the City of Niagara Falls now desires to negotiate a franchise agreement directly with Time Warner.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby requests that the New York Public Service Commission not entertain any application by Time Warner for the approval of the franchise agreement between the City of Niagara Falls and Adelphia; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to forward a certified copy of this Resolution to the New York Public Service Commission.

Yeas  
Nays

5  
0

ADOPTED

Agenda Item #11

Relative to Amending Chapter 1321 of the Codified Ordinances entitled Special Districts Regulations Negotiated Plan Development (NPD) District BY: Council Member Charles Walker

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1321 of the Codified Ordinances entitled Special Districts Regulations Negotiated Plan Development (NPD) District is hereby amended by adding Section 1321.03.5 entitled Center Court (NPD) to read as follows:

**1321.03.5 CENTER COURT (NPD)**

The purpose of this district is to permit the redevelopment of the existing Center Court facility by permitting residential development in the form of one- and two-family dwellings with a maximum density of twenty-two (22) units per acre

**A. Permitted Uses**

1. One Family Dwelling
2. Two Family Dwelling
3. Day Care Center
4. Family Day Care Home
5. Community Facility

**B. Permitted Accessory Uses**

1. Home Occupations.
2. Utility structures associated with and incidental to the development
3. Accessory buildings and accessory uses

**C. Yard Dimensions (Setbacks)**

Minimum Lot Size	Minimum Lot Width	Minimum Setbacks			Maximum Front Yard Setback
		Front Yard	Rear Yard	Side Yard	
3,400	25'	10'	20'	Each side yard 3'	20'

Maximum Front Yard Setbacks may be varied by the Planning Board if such variance would result in the preservation of any existing mature trees

**D. Building Heights**

Maximum building height 35'

**E. Off-Street Parking and Loading Requirements**

The following minimum requirements shall supercede all requirements of Section 1330.03-1. All other standards and requirements of Chapter 1330 shall remain in effect.

One Family Dwelling	1 per dwelling unit
Two Family Dwelling	1 per dwelling unit
Community Facility	1 per 1,000 sq ft

**F. Landscaping and Screening Requirements**

Landscaping and screening shall be provided in accordance with the standards set forth in Chapter 1331.

**G. Site Plan Review Requirements**

Landscaping, screening, lot coverage, parking and loading shall be subject to Site Plan Review requirements,

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: AMENDMENT OF OFFICIAL ZONING MAP, SECTION 1306.04, 2007-55

Agenda Item #12

Relative to the Amendment of the Official Zoning Map in Section 1306.04 of the Codified Ordinances

BY: Council Member Charles Walker

WHEREAS, the Niagara Falls Planning Board has received a request to rezone certain property; and

WHEREAS, the Planning Board held a public hearing on such request and has voted to recommend this change to the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the boundaries shown on the City's Zoning Map adopted pursuant to Section 1306.04 of the Codified Ordinances, is hereby amended to change the property identified as SBL #'s 144.06-2-24, 144.06-2-23, 144.10-2-3, 144.10-2-4, 144.10-2-5, 144.10-2-6, 144.10-2-7, 144.10-2-8, part of 144.10-2-1, 144.06-3-1, 144.10-2-9, 144.10-2-10, 144.10-2-11, 144.10-2-12, 144.10-2-13, 144.10-2-14, 144.10-2-15, 144.10-2-16, 144.10-2-17, 144.10-2-18, 144.10-2-19, 144.10-2-20, 144.10-2-21, 144.10-2-22, 144.10-2-23, 144.06-3-2, 144.32-2-16 from their current classifications to Negotiated Planned Development District (NPD) Center Court.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: Niagara Falls Water Board, Appointment, 2007-56

Agenda Item #13

Relative to removal of Dan Johnson and appointment of Anthony Restaino, Sr. to the Niagara Falls Water Board.

BY: Council Chairman Robert Anderson

Council Member Samuel Fruscione

Council Member Chris Robins

Council Member Lewis Rotella

WHEREAS, the City Council of the City of Niagara Falls, New York appoints a member to the Niagara Falls Water Board; and

WHEREAS, the City Council of the City of Niagara Falls, New York previously appointed Dan Johnson as its representative to the Niagara Falls Water Board; and

WHEREAS, the City Council of the City of Niagara Falls, New York reserved the right to replace its representative to the Niagara Falls Water Board; and

WHEREAS, the City Council of the City of Niagara Falls, New York now desires to remove Dan Johnson as its representative to the Niagara Falls Water Board; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Anthony Restaino, Sr. is hereby appointed to the Niagara Falls Water Board as the City Council's representative.

BE IT FURTHER RESOLVED, that Dan Johnson is hereby removed as the City Council's representative to the Water Board.

BE IT FURTHER RESOLVED, that the City Council hereby thanks Dan Johnson for his service.

BE IT FURTHER RESOLVED, that the City Clerk is directed to forward a certified copy of this resolution to the Niagara Falls Water Board.

Council Member Robins moved to add the communication to the agenda.

Yeas 5  
Nays 0

ADDED TO AGENDA AS ITEM #13

Yeas 5  
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 7:50 p.m.

Carol A. Antonucci  
City Clerk



July 23, 2007

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The first session of the July 23, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of July 9, 2007.

Yeas	5
Nays	0

APPROVED

Richard Meranto, a member of the Niagara Falls Cable Commission, spoke on legislation that would give control over cable franchise negotiations to a State authority, rather than individual municipalities, and said that the Commission is opposed to this legislation.

Samuel Ferraro, Niagara County Economic Development Commissioner, spoke on a business forum to be held in September that would bring CEO's and CFO's from all over the world to the area to explore business opportunities.

In his Administrative Update, Mayor Vincenzo V. Anello:

1. Thanked Mr. Meranto and Mr. Ferraro for their efforts on behalf of the City and the area.
2. Said that the American Legion convention that was held in the City this past week was a great success, and those who attended enjoyed our City.
3. Said that the Buffalo Avenue Project was moving forward, as well as the Lewiston Road and Lockport Street Bridge Projects.

City Engineer Robert Curtis, in response to Council Member Robins, gave approximate time frames for the following projects to begin:

1. Buffalo Avenue - 18 months to 2 years
2. Lewiston Road - Spring
3. Lockport Street Bridge - final documents are in the hands of CSX, and construction can be done during the winter months.

Chairman Anderson inquired about paving 72<sup>nd</sup> and 77<sup>th</sup> Streets, and Mr. Curtis and the Mayor explained that these projects are on the schedule for Federal funding in approximately 2012, but the projects can be done sooner if the City funds them.

Council Member Robins asked about an upgrade and pay increase for an Assistant Corporation Counsel's position (Agenda Item #7), which he felt should be done at Budget time. City Controller Maria Brown affirmed that a 3% raise was given for all exempt positions in 2007.

Mrs. Brown will forward a revenue report for the collections from parking meters when she receives it (Agenda Item #9).

Council Member Robins asked about the status of establishing a Local Development Corporation for the Court House Project, and the Mayor informed him that the Legislation was waiting for the Governor's signature. The Mayor also suggested that the property acquisitions and demolitions be done in house, and a representative of the developer stated that the contract calls for the developer to perform these. A lengthy discussion followed.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of two Items to be added to the Agenda:

1. A communication relative to settlement of the claim of Martin and Mary Shimmel.

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

Yeas 5  
Nays 0

MOTION TO ADD COMMUNICATION TO THE AGENDA APPROVED

The communication was added to the Agenda as #26.

2. A Resolution relative to removal of tolls on the Grand Island Bridge.

Council Member Walked 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.

This Session ended at 5:20 PM.

Chairman Anderson reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Rotella 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:

Shahen Bedrosian	Agenda Item #13
Norma Higgs	Agenda Item #15
Mickey Rimmen	Agenda Item #13
Ken Gerg	Agenda Item #13
Molly Bradshaw	Agenda Item #13
Jodi Bass	Agenda Item #13
Jeremy Mixon	Agenda Item #10
Maureen Kellick	Agenda Item #13
Jennifer Lamarca	Agenda Item #13
Ken Hamilton	Agenda Item #13
Anil Jain	Need for additional taxi cab stands
Owen Steed	Name street for Bass
Dawn Simpson	Funding for NF Jr. football club
Debora Krieger	Against closing streets for special events
Marlon Moore	Keep Centre Court basketball court
Candace Corsaro	Lack of recreational areas for children
Pastor Paul Douglas	Lack of recreational areas for children
Rick Williams	Renaming streets: create Veterans Park; Centre Court basketball court
Charles Primerano	Name street for L. Henry, Jr.
Andrea Milleville	Name street for L. Henry, Jr.
Ken Hamilton	Hope Six Project and street name change
Linda Goodman	Centre Court Project
Lee Whitaker	Centre Court Project
Mayor Anello	Street name changes

The following was RECEIVED AND FILED:  
Agenda Item #1  
City Clerk's Report for June, 2007.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: C&S ENGINEERS, INC., CONSULTANT SERVICES

Agenda Item #2

RE: Approval of contract for C&S Engineers, Inc. for consultant services for reconstruction of Buffalo Avenue.

Based on the New York State Department of Transportation mandated merit selection process, please be advised that C&S Engineers, Inc. has been selected as the City's consultant on the above noted project.

The Council previously approved resolutions appropriating funding which is federally reimbursable and also eligible for State Marchiselli funding. Therefore, it is the recommendation of the undersigned that the scoping and design phases of this project be awarded to C&S Engineers, Inc. at their proposal price of \$899,201.00. Funding is available in Code H0634.2006.0634.000.

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: NYS ARCHIVES, CITY CLERK GRANT

Agenda Item #3

RE: Approval of contract with NYS Archives to accept grant for Vital Records automation in City Clerk's office.

The City has received a grant from the New York State Archives in the amount of \$30,072.00 to complete the automation of vital records in the City Clerk's office. This work will be done under the direction of the Records Asset/Control Officer Sherry Shepherd-Corulli. No City funds are required.

Will the Council authorize the City to accept the grant and authorize the Mayor to execute any required agreements or documentation for the grant?

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

Yeas	5
Nays	0

APPROVED

CONTRACT: JOE JOHNSON EQUIPMENT(USA), INC., STREET SWEEPER PARTS

Agenda Item #4

RE: Approval of Bid #15-07 with Joe Johnson Equipment(USA), Inc. for street sweeper parts.

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

TO: Joe Johnson Equipment (USA) Inc.  
77 Oriskany Dr.  
Tonawanda, NY 14150

FOR: Items 9, 10, 11 and 12 (Elgin price list) per the attached tally sheet.

TO: United Rotary Brush  
20078 State Route 4  
Marysville, OH 43040

FOR: Items 1 and 2 per the attached tally sheet.

TO: Cyncon Equipment, Inc.  
7494 West Henrietta Road  
Rush, NY 14543

FOR: Item 12 (Johnston price list) per the attached tally sheet.

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Three (3) bids were received. The above referenced companies submitted the lowest bids for each respective item.

Funds for this expenditure are available in the Department of Parks & Public Works, Street Cleaning code: A8170.0000.0419.005

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: LAFARGE NORTH AMERICA, CONCRETE

Agenda Item #5

RE: Approval of Bid #16-07 with LaFarge North America for concrete.

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

TO: LaFarge North America  
270 Northpointe Pkwy.  
Suite 100  
Amherst, NY 14228

FOR: Concrete 3500 PSI, ASTM size 7: \$90.86/cy  
Concrete 3500 PSI, ASTM size 67: 90.86/cy  
Concrete 4000 PSI ASTM size 7: 93.43/cy

Plus additional charges as shown on the attached tally sheet.

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (5) vendors. The above referenced company submitted the only bid.

Funds for these expenditures are available in various departments Construction/Repair Materials code: .0419.006.

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: WEST HERR FORD, VEHICLE

Agenda Item #6

RE: Approval of Bid #17-07 with West Herr Ford for vehicle purchase.  
We respectfully request you award the above referenced bid as follows:

TO: West Herr Ford  
5025 Campbell Boulevard  
Hamburg, NY 14075

FOR: One (1) 2007 model Ford Escape, 4-door  
4-wheel drive, SUV: \$19,790.00

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eleven (11) vendors. Five (5) bids were received. The above referenced dealer submitted the lowest bid.

Funds for this expenditure are available in a New York State Shared Municipal Services Incentive grant code S1355.0000.0230.000 (\$13,680.00). The remainder of the funds (\$6,110.00) will be transferred within the City Assessor's Office budget to account code A1355.000.0230.000.

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

Yeas 5  
Nays 0  
APPROVED

LAW DEPARTMENT: ASSISTANT CORPORATION COUNSEL, UPGRADE

Agenda Item #7

RE: Approval of pay increase and upgrade for Assistant Corporation Counsel.

Recently, an Account Clerk position transferred from the Law Department to the City Clerk's Office. Further, it is my belief that a portion of those funds be used for an upgrade and a corresponding raise for Assistant Corporation Counsel Christopher Mazur. Therefore, I respectfully request that his title be upgraded to the position of Second Deputy Corporation Counsel at a salary of \$58,750.

The foregoing proposed change is not only well deserved, but long overdue. After ten (10) years of City employment, Mr. Mazur's salary is currently \$49,168.00. This salary is lower than many comparable Municipal attorneys in Erie and Niagara County and more in line with some part-time attorneys in the County and District Attorney's offices. Further, his salary is equal to the amount paid to another member of the Law Department staff who has worked for just over one (1) year. Also, as a member of the City's Personnel Action Committee, Mr. Mazur has witnessed a number of employees over the last several years receive upgrades and promotions while having less education, less seniority, and, in my opinion, less value to the City administration.

I am confident that you are aware of Mr. Mazur's abilities as an attorney, his reputation within our community and his importance to our City government. The proposed raise is a bargain compared to the thousands that the City has paid consultants and outside counsel over the last several years. Therefore, the promotion to Second Deputy Corporation Counsel is well justified.

Based on the foregoing, I respectfully recommend the suggested changes to the Law Department budget.

Council Member Fruscione moved that the communication be amended by removing second sentence.

Yeas 5  
Nays 0  
APPROVED

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

Yeas 5  
Nays 0  
APPROVED AS AMENDED

CITY CLERK'S OFFICE: BUDGET AMMENDMENT, SR.BUILDING ATTENDANT UPGRADE

Agenda Item #8

RE: Approval of budget amendment for Sr. Building Attendant upgrade in City Clerk's Office.

After review it is recommended that the position of Sr. Building Attendant be increased from the current grade 1 to grade 5.

This would reflect a salary increase for the remainder of 2007 of \$439.62, plus FICA of \$33.63 and pension of \$50.12. Funds are available in the City Clerk's budget line A.1410.0000 from a vacancy that remained unfilled for a period of time.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

PARKING METER CODES AND ACCOUNTS

Agenda Item #9

RE: Approval to set up codes and corresponding revenue accounts funding for collection of meter monies.

In order for the city to assume the costs of collecting meter monies, the following set of codes with corresponding revenue accounts to balance the expenses need to be setup.

The following codes will need to be funded.

CE1740.2600.0130.000	\$16,000	temporary help
CE1740.2600.0810.000	1,300	fica
CE1740.2600.0250.000	1,000	change counter
CE1740.2600.0460.000	4,000	bank fees
CE1740.2600.0250.007	2,700	computer equipment
CE1740.2600.0419.599	1,000	miscellaneous (batteries etc)
CE1740.2600.0419.005	1,000	tool and repair parts
CE1740.2600.0431.000	1,000	bonding fees
CE1740.2600.0464.000	2,000	travel cost (gas use of vehicle)

The controller advises that these codes setup with offsetting revenue accounts anticipating funds from meters are conservative estimates based on \$30,000 revenue and can be adjusted if needed based on incoming revenues.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CASINO INTEREST FUNDS: FENCING

Agenda Item #10

RE: Approval to appropriate \$60,000 of Casino interest funds to replace fencing at 91<sup>st</sup> Street and Hyde Park.

The fence at the 91<sup>st</sup> Street pool and the playing fields at 91<sup>st</sup> Street as well as the batting cage and baseball diamonds at Hyde Park Blvd. need to be replaced. It is estimated that this work will cost approximately \$60,000. It is my recommendation that Casino funds be used for this.

Will the Council vote to appropriate \$60,000 of Casino interest funds for the replacement of the fences as noted above?

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

Yeas

5

Nays

0

APPROVED

COURT HOUSE PROJECT: DEVELOPER COSTS

Agenda Item #11

RE: Approval to pay developer costs for Court House project in the amount of \$196,780.12 for a total to date of \$1,509,601.24.

Attached is Invoice #15 from the Developer for \$196,780.12.

Total paid to date is \$1,509,601.24.

Will the Council approve the payment?

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

Yeas

5

Nays

0

APPROVED

Agenda Item #12

RE: Approval of Niagara Power Project Relicensing Agreement with Fluent Energy Corporation.

As the Council is aware the City and School District are receiving allocations of electricity as part of the relicensing settlement with the New York Power Authority.

Since the original signing of the settlement there have been extensive discussions relating to the mechanics of the receipt of the power and its use.

In order to have the greatest flexibility receiving the power the City created a Municipal Distribution Agency pursuant to the General Municipal Law and this action was approved by the voters at the November General Election.

The MDA, City and School District will enter into a Shared Services Agreement pursuant to the General Municipal Law allowing for the receipt of the power and its use by the City, School District and other designees for economic development or for transfer into the New York Independent Systems Operator ("NYISO") so that the funds may be used to offset the electric charges for the City and School District and other allowable uses as provided for under the settlement agreement.

The MDA on behalf of the City and School proposes to enter into a Services Agreement with Fluent Energy Corporation to handle the daily logistics involved in the receipt and use of the power provided by the settlement agreement.

A draft agreement with Fluent is attached to this communication. The City has previously used Fluent's services as part of its participation in the Niagara County aggregate for the purchase of electricity for the City and numerous other governmental entities. Fluent tracks the usage and bills the members appropriately on behalf of the County. Similar services are to be provided under this agreement.

Fluent is also filing the required application and other documentation to the NYISO on behalf of the MDA so that the receipt of the power can take place as scheduled beginning September 1.

The general parameters of the Shared Services Agreement are:

1. School District will authorize the County to be its authorized recipient to receive its low cost power allocation from the Power Authority as established by the Host Community Agreement.
2. School District will authorize the City to distribute electric power or financially settle the School District's power allocations as directed by adopted resolutions of the School District.
3. School District shall determine the method utilized under the Agreements with the Power Authority for its share of the low cost power allocation under the Agreements.
4. The City shall be authorized to take any and all actions with respect to the receipt of distribution of electric power and/or financial settlement as contemplated in the Host Community and Power Distribution Agreements as it pertains to the School Districts low cost power allocation and as the School Districts authorized recipient.
5. The City shall be authorized to take any and all action with respect to the receipt or distribution of electric power and the School District's financial settlement as contemplated in the relicensing agreements.

It is requested that the Council authorize the filing of the application with the NYISO and the approval of the Shared Services Agreement and the agreement with Fluent Energy Corporation in final forms acceptable to the Corporation Counsel and authorize the Mayor to execute same.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

RECEIVED AND FILED

Agenda Item #13

RE: Request for City Council to introduce a resolution to rename a portion of Lindbergh Avenue to Corporal Lorne Henry, Jr. Way.

I am asking that the Council introduce a Resolution to initiate the process of renaming Lindbergh Avenue from 56<sup>th</sup> Street to Builders Way to "Cpl Lorne Henry, Jr. Way". Additionally, I am also submitting a request from the family of Ssgt Aram J. Bass. They would like S 86<sup>th</sup> Street to be named after their son who was also killed in Iraq. This request is intended to honor both soldiers for the great sacrifice they made for all of us.

Council Members Robins and Rotella said they would support funding a Veterans Monument and/or Park.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: JACK RAWLEIGH

Agenda Item #14

RE: Approval to pay additional claim for Jack Rawleigh in the amount of \$77.68.

Council approved a no fault arbitration award on April 16, 2007. The City now is responsible to pay \$77.68 as an additional subrogation claim under the same previous award.

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

Yeas

5

Nays

0

APPROVED

IN REM AUCTION: BIDS

Agenda Item #15

RE: Approval of In Rem auction bids from June 27, 2007 auction.

Attached(on file in City Clerk's office) is a list of the bids from the June 27, 2007 auction.

With respect to Schedule A, Serial Nos. 0032, 0050, 0051, 0085, 0099, 0140, 0142, 0166, 0167, 0178, 0189, 0198, 0200, 0205, 0207, 0226, 0266, 0299, 0334, 0423, 0449, 0581, 0582 and Schedule C, Serial Nos. 0044, 084, 0152, 0172, 0223, we recommend approval of the bids subject to payment of any delinquent taxes on other properties within 30 days. If the taxes are not paid by that time, the bids are rejected and deposits and auctioneer's fees forfeited pursuant to the terms of sale.

We also request the rejection of bids on Schedule A, Serial No. 0327, Serial No. 0328, Serial No. 0473 and Serial No. 0497; that the deposit and auctioneer's fee be refunded to the bidder; and to approve the redemption-reconveyance to the prior owner as all outstanding taxes and fees have been paid.

We recommend that the bid for the property listed as "added" at the end of Schedule A be rejected and the deposit and auctioneer's fee be refunded.

We recommend that the bid on Schedule C, Serial No. 0296 be rejected.

With the exception of the above, we recommend that the bids on Schedules A and C be approved.

The bids on Schedules B and D do not require Council approval and are submitted for your information.

With respect to Schedule B, Serial Nos. 0026, 0042, 0244 and 0271, the bids are subject to payment of any delinquent taxes on other properties within 30 days. If the taxes are not paid by that time, the bids are rejected and deposits and auctioneer's fees forfeited pursuant to the terms of sale.

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

Council Member Robins moved that the communication be amended by removing the last property on Schedule A and refunding the deposit.

Yeas 5  
Nays 0

APPROVED

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

Yeas 5  
Nays 0

APPROVED AS AMENDED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

RECEIVED AND FILED

Agenda Item #16

RE: Informational items

At the Traffic Advisory Commission meeting held on July 11, 2007, the Commission

DISCUSSED the following item:

1] Request submitted by Councilman S. Fruscione to address the Commission regarding tourist directional signage for seven locations Citywide. The Commission expressed support for the NF Tourism Board's endeavors in changing existing signage to promote City tourist attractions.

TABLED:

2] Request submitted by Holly Ortman, USA Niagara Development Corporation, on behalf of residents in the area to INSTALL "ALL WAY" STOP SIGNS AT THE INTERSECTION OF BUFFALO AVENUE & 4<sup>TH</sup> STREET. The request will be revisited again in October after the implementation of various safety measures.

DENIED:

3] Request to INSTALL ALTERNATE OVERNIGHT PARKING ON TENNESSEE AVENUE BETWEEN HYDE PARK BOULEVARD AND 17<sup>TH</sup> STREET. A petition from the residents was received with only 30% signatures.

"ALL WAY" STOP SIGNS: GIRARD AVENUE AND BUILDERS WAY

Agenda Item #17

RE: Approval of request to install "All Way" stop signs at intersection of Girard Avenue and Builders Way.

At a Traffic Advisory Commission meeting held on July 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL "ALL WAY" STOP SIGNS AT THE INTERSECTION OF GIRARD AVENUE & BUILDERS WAY

Submitted By: Robert Bradley, Administrator on Special Assignment, School District/City of Niagara Falls

It is requested that City Council approve this recommendation

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

Yeas 5  
Nays 0

APPROVED

ALTERNATE OVERNIGHT PARKING: TENNESSEE AVENUE

Agenda Item #18

RE: Approval of request to install alternate overnight parking on Tennessee Avenue between Hyde Park Boulevard and 20<sup>th</sup> Street.

At a Traffic Advisory Commission meeting held on July 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON TENNESSEE AVENUE, BETWEEN HYDE PARK BOULEVARD & 20<sup>TH</sup> STREET

A Petition from the residents of the block of 20<sup>th</sup> Street to Hyde Park Boulevard was received with 64% signatures.

Submitted By: Steven Benn, 3204 Hyde Park Boulevard and Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

ALTERNATE OVERNIGHT PARKING: 84<sup>TH</sup> STREET

Agenda Item #19

RE: Approval of request to install alternate overnight parking on 84<sup>th</sup> Street, between Frontier Avenue and Pershing Avenue.

At a Traffic Advisory Commission meeting held on July 11, 2007, the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 84<sup>TH</sup> STREET, BETWEEN FRONTIER AVENUE & PERSHING AVENUE

A Petition from the residents of the block of Frontier Avenue to Munson Avenue was received with 75 %signatures and the block of Munson Avenue to Pershing Avenue was received with 71% signatures.

Submitted By: Lynn Emmick, 729 - 84<sup>th</sup> Street and Petition/Residents of Blocks

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

RESOLUTION: MEMORIAL PARK ENRICHED LIVING PROJECT, 2007-57

Agenda Item #20

Relative to the Memorial Park Enriched Living Project

BY: All Council Members

WHEREAS, the Commission on Health Care Facilities has recommended the closure of Mount View Health Facility, a 172-bed skilled nursing facility owned and operated by Niagara County; and

WHEREAS, Niagara Falls Memorial Medical Center is prepared to develop an 82-bed assisted living program (ALP), of which 20 beds would be dedicated to seniors in need of memory care, thus effectively executing the Commission's mandate; and

WHEREAS, this program would address key disparities in the accessibility and provision of services for seniors in Niagara County. Seniors living in the City of Niagara Falls do not currently have an affordable option for assisted living available to them. Most assisted living is in the suburbs, inaccessible by public transportation, and out of the price range for low and moderate-income seniors; and

WHEREAS, the Memorial Park Enriched Living facility would be located in the same neighborhood as the Niagara Falls Memorial Medical Center, accessible by public transportation, close to familiar services as well as social and religious venues. Memorial's reputation as a provider of diversified health care and wellness services is apparent with the Heart Center of Niagara, the ER ONE Emergency Room, the Mizer Primary Care Center, the Mary Dyster Women's Pavilion, the Summit Healthplex Center and the Brain & Spine Center of Niagara; and

WHEREAS, the development of Memorial Park Enriched Living would represent a significant step in our efforts to offer inner city, low-income seniors the same opportunity for healthy aging as those seniors living elsewhere in Niagara County.

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council supports the development of the Memorial Park Enriched Living Project and sees it as a natural fit for Niagara Falls Memorial Medical Center and for the City of Niagara Falls, New York.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Mr. Robert G. Schmidt, Director of the HEAL NY Implementation Team of the New York State Department of Health.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: COURTHOUSE PROPERTY, 2007-58

Agenda Item #21

Relative to Acquisition of property for Courthouse

BY: Council Member Charles Walker

THIS ITEM WAS PULLED FROM THE AGENDA-NO ACTION TAKEN

RESOLUTION: HUMAN RIGHTS COMMISSION, 2007-58

Agenda Item #22

Relative to appointment to the Niagara Falls Human Rights Commission.

BY: All Council Members

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Human Rights Commission effective immediately for the expiration date, which appears opposite their name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Stefan Booze	6/1/09
723 Seventh Street	
Niagara Falls, NY 14301	
716-284-9961	

Yeas

5

Nays

0

ADOPTED

RESOLUTION: RECINDING RESOLUTION 2007-56

Agenda Item #23

Relative to recinding Resolution 2007-56

BY: Council Member Chris Robins

WHEREAS, at its July 9, 2007 meeting Council adopted Resolution 2007-56 wherein it sought to replace the Council's appointee to the Niagara Falls Water Board; and

WHEREAS, the Council has now been advised that this action cannot take place prior to the end of the term of the appointee; and

WHEREAS, in order to avoid confusion Council now wishes to rescind Resolution 2007-56.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Resolution 2007-56 is rescinded.

Yeas 2

Robins, Walker

Nays 3

Fruscione, Rotella, Anderson

DEFEATED

RESOLUTION: CORPORATION COUNSEL, APPOINTMENT, 2007-59

Agenda Item #24

Relative to appointment of Corporation Counsel.

BY: All Council Members

WHEREAS, the Acting Corporation Counsel has resigned; and

WHEREAS, both the Mayor and Council believe it is important to fill this position; and

WHEREAS, the Mayor has requested suggestions for Corporation Counsel from the Council; and

WHEREAS, the Council believes that Morton H. Abramowitz is well qualified to serve as Corporation Counsel.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby requests the Mayor to appoint Morton H. Abramowitz as Corporation Counsel and to submit this appointment to the Council for confirmation.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: STATEWIDE FRANCHISE AGREEMENTS, 2007-60

Agenda Item #25

Relative to Statewide Franchise Agreements

BY: All Council Members

WHEREAS, The Niagara Falls Cable Commission has looked at a bill being discussed in the New York State Assembly. The bill, A.3980B, is sponsored by Assemblyman Brodsky and would require that Broadband and Cable companies negotiate a statewide cable franchise agreement rather than with individual municipalities which has always been the procedure since established by the FCC in the 1980's. The Commission is calling upon the New York Legislature to oppose A.3980B, a bill which will establish a statewide cable authority that currently is the right of the municipality and might undermine local cable access programming; and

WHEREAS, in examining the bills there are some concerns with the bill which include:

- The bill would establish a broadband authority. NYS already has too many bureaucracies and another organization, which would need to be funded. Albany will fund the authority from the funds it collects. The funds should be going back to the municipalities as they always have. Niagara Falls only need to look at how Casino revenues which allocated and have concerns.
- Each community operates the P.E.G. channels in unique ways based on the needs and leadership that the community has taken. Niagara Falls would like to maintain the control over the P.E.G. channels. Those who support the bill believe that the legislation leaves control of both the funding and the P.E.G. channels at the local level. Will telecommunication companies like Verizon even have to allocate P.E.G. channels?
- It is unclear if the statewide would increase or decrease the revenue to the city or would it spur the development the sponsors believe it will. A study needs to be done before it is voted on.
- If companies want to enter a community where there is a cable franchise agreement, new legislation is not required (16N.Y.C.R.R.-894.7(e)(4)).
- Municipalities have been able to negotiate franchise agreements and have been able to maintain their right of ways, without the states help. Telecommunication companies are willing to negotiate with municipalities without being forced to do so.
- Unfortunately, the bill does not seem to clarify what gross annual cable revenues means. Does it include any of the following: on-demand revenue, high-speed Internet, digital phone and FIOS?

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council notify our state representatives to not support the bill and stress that the concerns listed above must be addressed and clarified.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to all our local State Representatives as well as the Leadership of the Assembly and the Senate.

Yeas  
Nays

5  
0

ADOPTED

CLAIM: SCHIMMEL, MARTIN A. AND MARY C.

Agenda Item #26

Re: Approval of settlement of claim of Martin A. Schimmel and Mary C. Schimmel in the amount of \$250.00

Date Claim Filed: March 5, 2007  
Date Action Commenced: N/A  
Date of Occurrence: January 15, 2007  
Location: 2486 Willow Avenue  
Nature of Claim: Property damage from City tree  
Status of Action: Claim stage.  
Recommendation/Reason: Best interests of City to pay.  
Amount to be Paid: \$250.00  
Make Check Payable to: Martin A. Schimmel and Mary C. Schimmel  
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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0

APPROVED

RESOLUTION: GRAND ISLAND BRIDGE TOLLS, 2007-61

Agenda Item #27

Relative to the removal of the tolls on the Grand Island Bridge

BY: All Council Members

WHEREAS, the tolls on the Grand Island Bridge have caused a hardship to all Western New Yorkers; and

WHEREAS, these tolls are an unfair tax to all Western New Yorkers who travel to and from their homes, place of employment and places they do business with; and

WHEREAS, Western New York is struggling economically due to all the many taxes forced upon us over the past decades; and

WHEREAS, the tolls are an inconvenience to residents and tourists and hurt commerce; and

WHEREAS, the lines at the toll booths increase the pollutants into the environment and waste precious fuel from idling motor vehicles; and

WHEREAS, these tolls should have been removed years ago when the bonds were paid off; and

WHEREAS, there are 936 bridges in the New York State Thruway System and only THREE bridges, the Grand Island Bridge, Tappansee Bridge and the Chapin on the Hudson Bridge, are the only toll bridges; and

WHEREAS, in May of 2005 an additional hardship was imposed on Western New Yorkers by increasing the tolls 50% on the Grand Island Bridge.

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council is in support of removing the tolls from the Grand Island Bridge and that the City Council requests the support of the Niagara and Erie County delegation in the Senate and Assembly to support this effort to remove the tolls.

BE IT FURTHER RESOLVED, that each member of the Niagara and Erie Senate and Assembly delegation respond in writing as to their support or non-support of this important issue.

Yeas 5  
Nays 0

ADOPTED

Council member Rotella noted that this is a joint effort with the Niagara County Legislature.

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 8:27 p.m.

Carol A. Antonucci  
City Clerk



SEPTEMBER 12, 2007

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

September 5, 2007

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 September 12, 2007 at 4:00 p.m. and 7:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Review and act on the agenda for the September 10, 2007 meeting.

Respectfully submitted,

Robert Anderson, Jr.  
Samuel Fruscione  
Chris Robins  
Louis Rotella  
Charles Walker

The first session of the Special September 12, 2007 Niagara Falls City Council Meeting to review and act on Agenda of September 10, 2007 was called to order by Council Chairman Robert Anderson, Jr. at 4:15 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of July 23, 2007.

Yeas	5
Nays	0

APPROVED

In his Administrative Update, Mayor Vincenzo V. Anello reported that:

1. The Municipal Building Project is moving along.
2. Street repairs are ahead of schedule.

Council Member Robins asked about the City's allocation of low cost power, and City Controller Maria Brown and Deputy Corporation Counsel Thomas O'Donnell responded that the City is in the process of getting estimates, and they hope to have the figures to include when the 2008 Proposed Budget is printed.

Council Member Robins had questions about the Greenway funds, and Mayor Anello informed him that the funds are guaranteed recurring revenue that are not included in the General Fund, and can be used for long range plans.

City Engineer Robert Curtis informed Council Member Robins that core samples are being taken on Lewiston Road, and the Project should be starting in the spring.

Mr. O'Donnell distributed copies of three Items to be added to the Agenda:

1. A communication relative to acceptance of a New York State Grant for Operation IMPACT.

Council Member Robins 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 #32.

2. A communication relative to payment of an arbitration award related to the Health Insurance Opt Out.

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

Yeas 5

Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #33.

3. A Resolution relative to rescinding Resolution 2007-56.

Council Member Robins 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 #34.

Mr. Curtis explained the Change Order for the lawn bowling court (Agenda Item 34).

Mr. Curtis also replied to Chairman Anderson's question about the number of bids received for the City Hall roof replacement (Agenda Item #10), and also said that the work could begin after the Council's approval of this Item.

Mayor Anello and Acting Corporation Counsel Damon DeCastro responded to Council Member Robins' inquiry about the number of parking spaces involved at 225 Old Falls Street (Agenda Item #17).

Chairman Anderson inquired how the damage occurred in a Claim that was being settled (Agenda Item #23), and Mr. O'Donnell provided the information.

This Session ended at 4:35 PM

Chairman Anderson reconvened the Meeting at 7:02 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Anderson recognized the services of John McNab on various City Boards and noted his recent passing.

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

Bill MacKay	Agenda Item #13
Ken Hamilton	Agenda Items #4-10-23-31
Mickey Rimmen	Committee formed to establish NF Memorial Veterans Park
Ken Hamilton	NF Memorial Veterans Park
Robert Miller	Echota West Block Club formation
Molly Bradshaw	Street name change for A. Bass
Jodi Bass	Street name change for A. Bass

The following were RECEIVED AND FILED:

Agenda Item #1

City Clerk's Report for Report for July, 2007.

Agenda Item #2

Claims Report for July 2007.

182

09/12/07

Agenda Item #3  
Claims report for August, 2007

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT; CHANGE ORDER #1, PRO PUTT OF WNY, INC.

Agenda Item #4

RE: Approval of Change Order #1 with contract to Pro Putt of WNY, Inc.  
for Lawn Bowling Courts.

A contract for the above referenced project was awarded to Pro Putt of WNY, Inc., 3080 Delancey Road, Niagara Falls, NY 14305, on April 16, 2007, in the amount of \$109,906.00. The Funding is available under Capitol Code H0622.2006.0622.000.

Subsequent to the start of the project, the Contractor encountered extra work beyond the initial scope of this contract. The out of scope items in question stem primarily from the presence of existing tree roots and the extra restoration costs associated with the bowling "green" ultimately selected for resurfacing. The total cost of this extra work is \$5150.00. However, existing funds already earmarked for bid items not installed allow the existing contract dollar amount to adequately cover the additional compensation required.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$0.00 be approved.

Will the Council vote to so approve?

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

Yeas

5

Nays

0

APPROVED

COURT HOUSE PROJECT, DEVELOPER COSTS

Agenda Item #5

RE: Approval to pay Invoice #16 in the amount of \$284,839.58 for Court House Project for a total to date of \$1,706,381.36

Attached(on file in City Clerk's office)is Invoice #16 from the Developer for \$284,839.58.

Total paid to date is \$1,706,381.36.

Will the Council approve the payment?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: BID #21-07 FOR VARIOUS COMPANIES

Agenda Item #6

RE: Approval of Bid #21-07 for oils and lubricants to various companies

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

TO: Superior Lubricants Co., Inc.  
32 Ward Road  
North Tonawanda, NY 14120

FOR: Item #'s 1a, 1b, 3, 4 and 7 per the attached tally sheet.

TO: NOCO Energy Corporation  
2440 Sheridan Drive  
Tonawanda, NY 14150

FOR: Item #2 per the attached tally sheet.

TO: American Lubricants, Inc.  
619 Bailey Avenue  
Buffalo, NY 14206

FOR: Item #'s 5, 6 and 8 per the attached tally sheet.

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Seven (7) vendors. Three bids were received. The above referenced companies submitted the lowest prices for each respective item.

Funds for these expenditures are available in the Central Garage code: MV0055.0000.0414.000.

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

Yeas

5

Nays

0

APPROVED

CONTRACT: URBAN STRATEGIES, INC.

Agenda Item #7

RE: Approval of BOA consulting contract to Urban Strategies, Inc. for grant for Highland Community Area

The City has been awarded a Brownfield Opportunity Area (BOA) Program Step 2 Project grant for the Highland Community Area in the amount not to exceed \$416,666.00, including the City's matching share for BOA projects of 10% (\$41,666.60). The City's share is being matched with Casino Cash as per prior resolution.

Eight proposals were received for the Highland Community Area BOA project from the following consulting firms:

- American Consulting Professionals of New York, PLLC, Buffalo, NY
- Brownfield Redevelopment Solutions (BRS), Camden, NJ
- ENSR Corporation, Rochester, NY
- Environmental Design & Research, Syracuse, NY
- Parsons Brinckerhoff Quade & Douglas, Inc., Buffalo, NY
- Saratoga Associates, Saratoga Springs, NY
- Urban Strategies, Inc., Toronto, ON
- URS Corporation, Buffalo, NY

In accordance with requirements of the BOA Program, the consultant will provide a preliminary analysis of the Community that identifies compelling and strategic opportunities for revitalization, which shall include:

- An overview of historic, existing, land uses and zoning;
- Quantitative and qualitative data on probable brownfield sites;
- An assessment of land ownership;
- Current and anticipated uses of sites and groundwater;
- Compilation of researchable information and sources concerning the environment;
- A clear definition of a manageable study area and strategic sites that may be catalysts for revitalization within the Community;
- Initiation of forums for dialogue among potential stakeholders and partners, particularly the community through a clearly defined public engagement and consultation process, and;
- A description of possible revitalization strategies for the Community, which should suggest short and long-term, public and private measures, including interim measures, necessary to stimulate new investment and enhance physical conditions and environmental quality.

All firms submitting proposals to undertake and complete the proposed scope of work in response to the City's request for qualifications and proposal were evaluated based on their meeting and/or exceeding the minimum submission requirements, as specified in the RFQ/RFP. In addition, the quality of consultant responses were considered, scored and evaluated against nine stated evaluating criteria.

Planning process:

- Redevelopment understanding.
- Public strategy.
- Procedure.

Qualifications:

- Local/local experience.
- Environmental Planning.
- BOA experience.

Management and Staffing:

- Collaboration.
- Schedule.
- Cost Breakdown.

Urban Strategies, Inc. scored and ranked highest overall among firms submitting proposals. They showed a complete understanding of brownfields along with the unique problems and issues that brownfields present. Their public participation strategy is a tried and proven method that has been used successfully in other venues. Urban Strategies' procedure is completely in keeping with the specific requirements of the BOA program project.

Urban Strategies, Inc. has worked for the City of Niagara Falls in the past, having recently completed the *Niagara Falls Strategic Master Plan*.

The Highland Community Area BOA program project is a Step 2 BOA and as a result, has a strong need for collaboration with other firms. Urban Strategies is in collaboration with the University at Buffalo's Center for Urban Studies for the public participation component of this project, as well as collaborating with a number of other consultants. Urban Strategies' proposed schedule is logical and clear in expectations for project flow. While maximum program costs are fixed, the cost breakdown provided showed that Urban Strategies has full understanding of what is involved in preparing and completing a Step 2 BOA.

Urban Strategies, Inc. presented the most complete and most comprehensive proposal, when combined with the Center for Urban Studies, received for the Highland Community Area BOA Step 2 project out of eight proposals.

Will the Council vote to approve the award of the BOA consulting contract to Urban Strategies, Inc. as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: PRISM HEALTH NETWORKS FOR CHIROPRACTIC MASSAGE THERAPY AND ACUPUNCTURE BENEFIT SERVICES

Agenda Item #8

RE: Approval of agreement with Prism Health Networks for Chiropractic Massage Therapy and Acupuncture Benefit service fees and handling claims

Attached(on file in City Clerk's office) is a proposed Agreement with Prism Health Networks for the City's Chiropractic, Massage Therapy and Acupuncture Benefit for the services fee and handling claims.

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: RENEWAL FOR COURT CLEANING AND MINOR REPAIRS

Agenda Item #9

RE: Approval of renewal contract for Court cleaning and minor repairs

The current Court Cleaning and Minor Repairs Contract between the Unified Court System and the City of Niagara Falls is effective for a 5-year term running from April 1, 2004 through March 31, 2009 and is divided into annual 1-year periods.

Under Section 1of the Contract, we are entering into a Renewal Contract for a 1-year period commencing on April 1, 2007 and terminating on March 31, 2008.

The maximum compensation for this Renewal Contract period shall be \$195,103.00.

Will the Council so approve and authorize the Mayor to execute any required documentation to effectuate same?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: JOSEPH A. SANDERS & SONS. INC. FOR CITY HALL ROOF REPLACEMENT

Agenda Item #10

RE: Approval of contract with Joseph A. Sanders & Sons, Inc. for the replacement of City Hall roof

The following was the result of bids received on August 7, 2007, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Joseph A. Sanders & Sons, Inc. P.O. Box 814 Buffalo NY 14240	\$ 229,678.00
Jameson Roofing, Inc.	\$ 283,600.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Joseph A. Sanders & Sons, Inc., at their Base Bid of \$229,678.00. The funding code will be presented by Bond Resolution which appears elsewhere on this agenda.

Additionally, the Contractor has agreed to extend his bid to complete penthouse repairs for the total budgeted amount of \$248,380.00.

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: GHI - ADMINISTRATIVE SERVICES

Agenda Item #11

RE: Approval of Agreement with GHI for administrative services to provide dental coverage for City Retirees

There are 520 retirees who retired prior to the adoption of the new Health Insurance. They received dental coverage from either GHI or NOVA according to a schedule of benefits.

Pursuant to the attached(on file in City Clerk's office) agreement GHI will continue to administrator the dental benefits for these retirees according to the previous schedule of benefits with an administrative cost of \$4.24 per contract per month and an advance deposit of \$2,002.00.

GHI has a network of participating dentists which the retirees will be able to use and which will eliminate one of the perceived negative changes to the City's health and dental insurance as a result of the adoption of the single provider agreement. Funding is available in the budget.

Will the Council approve the attached agreement and authorize the Mayor to execute same?

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

Yeas	5
Nays	0
	APPROVED

SUMMER CONCERT SERIES: ADDITIONAL EXPENSES

Agenda Item #12

RE: Approval to cover two additional expenses relating to the Summer Concert Series

The Summer Concert Series was a tremendous success and it is requested that the Council approve two (2) additional expenses related to this.

The first would be to amend the agreement with Patrick Kuciewski, Executive Director of the Niagara Fine Arts Program, Inc. to increase his contract by \$400.00 to cover additional costs.

The second would be to approve the payment in the amount of \$600.00 to Jack Wrobel for the installation of the NU portable stage at four (4) of the concerts.

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

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

Yeas 5  
Nays 0  
APPROVED

BUDGET TRANSFER: FIRE DEPARTMENT

Agenda Item #13

RE: Approval to transfer \$235,000 from Fund Balance to fund Fire Department overtime

The budgeted amount for overtime in the Firefighting line is insufficient to cover the actual expense. Also, one dispatcher with a significant illness is depleting that line with extensive time off.

It is requested that \$252,977.50 be transferred from Fund Balance; \$225,000 be transferred to line A.3410.3010.0140.000, \$10,000 be transferred to A.3020.3000.0140.000 and FICA of \$17,977.50 to line A.3410.3010.0810.000.

Will the Council so approve?

Council Member Fruscione moved to amend the communication by changing the total to \$252,977.50.

Yeas 5  
Nays 0  
APPROVED

Council Member Robins moved that the communication be received and filed and the recommendation approved as amended.

Yeas 5  
Nays 0  
APPROVED

BUDGET TRANSFER: TRADES

Agenda Item #14

RE: Approval to transfer \$2,000 from Fund Balance to cover Trades Overtime

Trades overtime is almost depleted. The heating season is about to begin and it is anticipated there will be call-outs and overtime.

It is requested that \$2,153 be transferred from Fund Balance; \$2,000.00 to line A.1620.2350.0140.000 to cover the increase in the overtime expense and \$153.00 to line A.1620.2350.0810.000 to cover FICA expense.

Will the Council so approve?

Council Member Fruscione moved to amend the communication by changing the total to \$2,153.

Yeas 5  
Nays 0  
APPROVED

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

Yeas 5  
Nays 0  
APPROVED

ONTARIO HOUSE JAZZ REUNION: EXPENSES

Agenda Item #15

RE: Approval to pay \$2,500 to Jessica Thorpe of Outside the Box Marketing and \$2,700 to Ron Corsara for expenses relating to the Ontario House Jazz Reunion

The City is again helping to sponsor the Ontario House Jazz Reunion. Funding comes from the Tourism Fund.

Will the Council authorize the payment of \$2,500 to Jessica Thorpe of Outside the Box Marketing for production management and media marketing and event brochures and related printed materials and \$2,700 to Ron Corsaro for musical production and coordination including payment to three (3) bands and for the sound system?

Will the Council also authorize the Mayor to execute agreements in a form acceptable to the Corporation Counsel?

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

Yeas 5  
Nays 0

APPROVED

GRANT: ENTREPRENEURIAL TRAINING SCHOOL

Agenda Item #16

RE: Approval to accept Grant for "Entrepreneurial Training School" in the amount of \$25,000 with no matching funds

The City has received a grant in the amount of \$25,000 through the Office of State Senator Antoine M. Thompson to establish an 'Entrepreneurial Training School'. Funding was made available through the Empire State Development Corporation (E.S.D.)

This grant will provide for instructional training to business hopefuls with preparation of business plans, pro-forma's, various types of financial assistance available from both the City and County and preparation of applications for that assistance.

No matching funds are required for these grants.

Will the Council authorize the Mayor to execute any required grant agreements and other documentation necessary to effectuate the grants?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: ANWAL PROPERTIES, INC.

Agenda Item #17

RE: Approval of parking agreement with Anwal Properties, Inc.

Attached(on file in City Clerk's office)is a Parking Agreement with Anwal Properties, Inc. of 225 Old Falls Street.

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

Council Member Fruscione 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: MINTA RAWLEIGH

Agenda Item #18

RE: Approval of settlement of claim of Minta Rawleigh in the amount of \$8,750.00

Date Claim Filed: August 9, 2005  
Date Action Commenced: August 15, 2006  
Date of Occurrence: May 12, 2005  
Location: Niagara Falls Blvd. and Factory Outlet Blvd.

Nature of Claim: Accident with City driver  
City Driver: Jacqueline Weigel  
Status of Action: Trial date set  
Recommendation: Best interests of City to pay claim.  
Amount to be Paid: \$8,750.00  
Make Check Payable to: **"Brown, Chiari, LLP as attorneys for Minta Rawleigh"**

Conditions: General Release to City, and Stipulation to Discontinue 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: KIMBERLEE A. CARTER

Agenda Item #19

RE: Approval of settlement of claim of Kimberlee A. Carter in the amount of \$500.00

Date Claim Filed: June 14, 2007  
Date Action Commenced: N/A  
Date of Occurrence: January 15, 2007  
Location: 152 - 58<sup>th</sup> Street

Nature of Claim: Automobile damage sustained from fallen City tree  
Status of Action: Claim stage.  
Recommendation: Best interests of City to pay claim

Amount to be Paid: \$500.00  
Make Check Payable to: **"Kimberlee A. Carter"**

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

Yeas 5  
Nays 0

APPROVED

CLAIM: FRANCIS J. PECORARO

Agenda Item #20

RE: Approval of settlement of claim of Francis J. Pecoraro in the amount of \$1,000.00  
Date Claim Filed: November 3, 2006; December 18, 2006 and February 5, 2007  
Date Action Commenced: N/A  
Date of Occurrence: October 28, 2006; December 15, 2006; January 15, 2007; 2<sup>nd</sup> February 4, 2007  
Location: 771 - 15<sup>th</sup> Street  
Nature of Claim: Automobile damage allegedly sustained from a fallen City tree limb  
Status of Action: Claim stage  
Recommendation: Best interests of City to pay claim  
Amount to be Paid: \$1,000.00  
Make Check Payable to: "**Francis J. Pecoraro**"  
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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0

APPROVED

CLAIM: DEBORAH DIRAMIO

Agenda Item #21

RE: Approval of settlement of claim of Deborah DiRamio in the amount of \$200.02  
Date Claim Filed: June 12, 2007  
Date Action Commenced: N/A  
Date of Occurrence: June 11, 2007  
Location: Porter Road  
Nature of Claim: Property damage sustained from City worker  
Status of Action: Claim stage.  
Recommendation: Best interests of City to pay claim.  
Amount to be Paid: \$200.02  
Make Check Payable to: "**Deborah DiRamio**"  
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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0

APPROVED

CLAIM: DANIEL T. GREGORY

Agenda Item #22

RE: Approval of settlement of claim of Daniel T. Gregory in the amount of \$42,500.00

This action was originally commenced in 1996 against the Love Canal Area Revitalization Agency regarding the discharge from employment of Mr. Gregory.

Due to the legislation dissolving the Love Canal Area Revitalization Agency the City and Town succeeded to the assets and liabilities of the Agency and were added as defendants.

After extensive litigation and negotiation a proposed settlement has been reached in this matter.

It would involve both the City and the Town paying \$42,500 each to Mr. Gregory in full satisfaction of all matters in this litigation.

It is the recommendation of this office that the Council approve this settlement subject to receipt of appropriate Stipulation of Discontinuance and Release in a form satisfactory to the Corporation Counsel.

Will the Council so approve and vote to have the City Clerk issue a warrant on the City Controller in the amount of \$42,500 payable to David Gerald Jay, as attorney?

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

Yeas 5  
Nays 0

APPROVED

CLAIM: CRAIG GONZALEZ

Agenda Item #23

RE: Approval of settlement of claim of Craig Gonzalez in the amount of \$1,250.00

Date Claim Filed: September 27, 2004

Date Action Commenced: October 31, 2005

Date of Occurrence: July 22, 2004

Location: Hyde Park Blvd.

Nature of Claim: Vehicle damage

Status of Action: Litigation stage

Recommendation: Best interests of City to pay claim.

Amount to be Paid: \$1,250.00

Make Check Payable to: **"Brown and Kelly, LLP as attorney's"**

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 Fruscione 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

SECONDHAND DEALER LICENSE, LOUIS MUZZILLO

Agenda Item #24

RE: Approval to issue "Secondhand Dealer" license to Louis Muzzillo-Niagara Coins and Collectibles.

Chapter 338 of the Codified Ordinances states: "338.03...City Council may grant a license to carry on the business of secondhand dealer within the City..."

The following have submitted applications for secondhand dealer licenses. These applications have all been approved by the N.F. Police Department.

Louis E. Muzzillo- Niagara Coins & Collectibles- 509 3<sup>rd</sup> Street  
Will Council so approve?

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

Yeas 5  
Nays 0

APPROVED

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #25

RE: Approval of Commissioner of Deeds Appointments for a term from October 1, 2007 to September 30, 2009

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2007 to September 30, 2009.

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

Ralph F. Aversa	Economic Development
Tina Pugh	City Clerk's Office
Latricia Herbert	City Clerk's Office
Carlton Cain	NFPD
Candice M. Bax	2418 North Avenue, Niagara Falls, NY 14305
Paul J. Brooks	7200 Williams Rd. A-304, Niagara Falls, NY 14304
Leonard M. Cannello	9141 Rivershore Dr., Niagara Falls, NY 14304
Candace Corsaro	1876 North Avenue, Niagara Falls, NY 14305
Kathleen Heim	2851 Stenzel Ave., North Tonawanda, NY 14120
Ronald C. Hohle	8257 Bollier Avenue, Niagara Falls, NY 14304
Marie P. Klimeczko	181-59 <sup>th</sup> Street, Niagara Falls, NY 14304
Patricia Nolan	880-80 <sup>th</sup> Street, Niagara Falls, NY 14304
Frank Pannozzo	775 Fairchild Pl., Lewiston, NY 14092
Victoria R. Shank	1839 Niagara Avenue, Niagara Falls, NY 14305

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

Yeas 5  
Nays 0

APPROVED

THE FOLLOWING WAS RECEIVED AND FILED

Agenda Item #26

Please be advised that Local Law #4 for 2007, relative to amending Article XXXII, of the City Charter entitled "Department of Engineering and Inspections" and Local Law #5 for 2007 relative to adopting Article XX of the City Charter entitled "Department of Inspections", which were adopted by Council on June 11, 2007 and duly approved by Mayor Vincenzo V. Anello on July 18, 2007 were received and filed by the New York State Department of State on July 27, 2007.

Please be advised that July 18, 2007 Mayor Vincenzo V. Anello duly approved Resolution 2007-48, relative to adopting Chapter 178 of the codified Ordinances entitled "City of Niagara Falls Discrimination and Harassment Policy" and Resolution 2007-54, relative to amending Chapter 1321 entitled "Special Districts Regulations Negotiated Plan Development (NPD) District" and Resolution 2007-55, relative to the Amendment of the Official Zoning Map Section 1306.04 of the Codified Ordinances.

RESOLUTION: AUTHORIZING THE ISSUANCE OF \$275,000 BONDS FOR THE RECONSTRUCTION OF CITY HALL ROOF, 2007-62

Agenda Item #27

Relative to authorizing the issuance of \$275,000 Bonds of the City of Niagara Falls, Niagara County, New York to pay the cost of the reconstruction of the roof at City Hall, in and for said City

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles Walker

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

Section 1. For the purpose of the cost of the reconstruction of the roof at City Hall, in and for the City of Niagara Falls, Niagara County, New York, including incidental improvements and expenses related thereto, there are hereby authorized to be issued \$275,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid object or purpose is \$275,000, which is hereby authorized.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five (25) years, pursuant to subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law.

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

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

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

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

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

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond 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 9. This resolution, which takes effect immediately, shall be published in summary form in the **Niagara Gazette**, the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: RESTORE NY GRANT APPLICATION, PUBLIC HEARING, 2007-63

Agenda Item #28

Relative to calling for a Public Hearing on September 24, 2007 relative to Restore NY Grant Application

BY: Council Chairman Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles Walker

RESOLVED, that a public hearing be held on the 24<sup>th</sup> day of September, 2007 at 7:00 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 required notice of said hearing be published in the Niagara Gazette preceding said hearing. The purpose of the hearing is to hear public comments regarding a Restore NY Grant application for two (2) projects: the "Third & Niagara (URA) Mixed Use" Project and "Memorial Park Enriched Living" Project. The application for the "Third & Niagara (URA) Mixed Use" Project is for \$5 Million for a portion of the costs of construction of a parking garage on a portion of the site of former Ramp 1, to facilitate the economic development of the remainder of the site and to service surrounding downtown facilities. The application for the "Memorial Park Enriched Living" Project is for \$1.3 Million for a portion of the costs of the \$11 Million project proposed by Niagara Falls Memorial Medical Center. The Memorial Park Enriched Living Project includes the demolition of the abandoned former South Junior High School and the development of a 56,000 sq. ft. facility to be built on the 4.3 acre site, containing a 60-unit, 86-bed assisted living facility, 20 dedicated to individuals who require memory care.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: MEMORIAL PARK ASSISTED LIVING PROJECT, 2007-64

Agenda Item #29

Relative to the Memorial Park Assisted Living Project

BY: All Council Members

WHEREAS, the Commission on Health Care Facilities has recommended the conversion of 172 nursing home beds licensed to Mount View Health Facility, a skilled nursing facility owned and operated by Niagara County, to assisted living beds; and

WHEREAS, Niagara Falls Memorial Medical Center is requesting and prepared to purchase the site of the former South Junior High School from the Niagara Falls Board of Education for the purpose of developing an 86-bed assisted living program (ALP), of which 20 beds would be dedicated to seniors in need of memory care, in accordance with the Commission's mandate and the county's stated intent to close the Mount View Health Facility; and

WHEREAS, the cost of demolishing the existing, vacant school building, including asbestos abatement, is estimated at \$1.2 million, which cost is a significant impediment to that development; and this assisted living program would address a critical lack of available and accessible services for seniors in Niagara County; and

WHEREAS, seniors wishing to live in the City of Niagara Falls do not currently have an assisted living option available to them; and Memorial Medical Center's assisted living program and facility would be located in the Memorial Park neighborhood, the same neighborhood as the Niagara Falls Memorial Medical Center, and would be readily accessible by public transportation, close to necessary and familiar services and convenient to social and religious venues; and

WHEREAS, the development of the Memorial Park assisted living program would represent a significant step in the city's and the Medical Center's efforts to offer inner-city, low- and moderate income seniors the same opportunity for healthy aging as seniors living elsewhere in Niagara County and the development of additional healthcare services in that area is a key component of the City of Niagara Falls master development plan and of the city's priority efforts to restore that neighborhood as an arts and medical corridor that will attract new residential and commercial development; and

WHEREAS, Memorial's reputation as a provider of quality health care and wellness services is apparent at the Medical Center; the Schoellkopf Health Center; The Heart Center of Niagara, the ER1 Emergency Department; the Hamilton B. Mizer Primary Care Center, the Mary C. Dyster Women's Pavilion, the Summit Healthplex; and the Brain & Spine Center of Niagara; and

WHEREAS, the state's RESTORE New York Program is a program created to help local governments revitalize urban centers, encourage economic development, improve property values, attract residents and businesses to urban areas, and create vibrant communities and new jobs.

NOW THEREFORE BE IT RESOLVED that the Niagara Falls City Council supports Niagara Falls Memorial Medical Center's request for the City of Niagara Falls to make a priority application to the RESTORE New York Program for a grant in the amount needed to demolish the current South Junior High School so that Niagara Falls Memorial Medical Center can develop the Memorial Park Assisted Living Project on that site.

BE IT ALSO RESOLVED that a certified copy of this resolution be sent to Mr. Robert G. Schmidt, Director of the HEAL NY Implementation Team of the New York State Department of Health.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PERMIT FEES-COURTHOUSE PROJECT, 2007-65

Agenda Item #30

Relative to Permit Fees for Courthouse Project

BY: Council Chairman Robert Anderson, Jr.

WHEREAS, the City does not charge itself for building permits; and  
WHEREAS, the Courthouse Project may be subject to permit fees because of the use of a Developer under the Development Services Agreement; and  
WHEREAS, imposing these fees would be an additional cost on the taxpayers.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that no fees be imposed on permits (including demolition permits) related to the construction of the new Courthouse Facility.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: PUBLIC HEARING TO AMEND CITY CHARTER BY ADDING SECTION 201-D TO ARTICLE VIII ENTITLED "TAXATION AND ASSESSMENT", 2007-66

Agenda Item #31

Relative to calling for a Public Hearing to amend the City Charter relative to adding Section 201-D entitled "Residential/Commercial Urban Exemption" to Article VIII entitled "Taxation and Assessment"

BY: All Council Members

RESOLVED, that Local Law No. \_\_\_\_ for the year 2007 be introduced, and that a public hearing be held on such Local Law on the 24th day of September, 2007 at 7:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending Article VIII by adding Section 201-d to the City Charter, entitled "Residential/Commercial Urban Exemption".

Yeas 5  
Nays 0

ADOPTED

OPERATION IMPACT

Agenda Item #32

RE: Approval of acceptance of New York State grant in the amount of \$638,711 for operation IMPACT

The City and County have received an award from the State of New York for \$638,711 for Operation IMPACT during July 1, 2007 through June 30, 2008.

Of this, \$334,778 is for the Niagara Falls Police Department. Amongst the things covered by this grant is the salary and fringe benefits for a crime analyst, equipment and overtime in the Police Department.

No matching funds are required for this grant.

Will the Council approve the acceptance of this grant and authorize the Mayor and Police Chief to execute any documentation necessary to receive the grant?

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

Yeas 5  
Nays 0

APPROVED

HEALTH INSURANCE OPT OUT, ARBITRATION AWARD

Agenda Item #33

RE: Approval to appropriate \$12,558.26 of Fund Balance to settle arbitration award related to Health Insurance Opt Out.

Attached(on file in City Clerk's office)is the award of the arbitrator in a recent matter between the City and its Unions regarding eligibility for opting out of the City's Health Insurance Plan.

With the exception of the instance of one (1) employee, the City won this arbitration decision.

Will the Council vote to appropriate \$12,558.26 of Fund Balance to account No. A.1490.0001.0125.000 in order to pay this arbitration award?

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: WATER BOARD APPOINTMENT, RESCINDING, 2007-67

Agenda Item #34

Relative to rescinding Resolution 2007-56

BY: Council Member Chris Robins

WHEREAS, at its July 9, 2007 meeting Council adopted Resolution 2007-56 wherein it sought to replace the Council's appointee to the Niagara Falls Water Board; and

WHEREAS, the Council has now been advised that this action cannot take place prior to the end of the term of the appointee; and

WHEREAS, in order to avoid confusion Council now wishes to rescind Resolution 2007-56.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Resolution 2007-56 is rescinded.

Yeas

5

Nays

0

APPROVED

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci  
City Clerk



SEPTEMBER 24, 2007

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the September 24, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:10 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Lewis Rotella, Charles A. Walker - 4.

Absent: Council Member Chris Robins

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member moved to approve the Minutes from the City Council Meeting of September 12, 2007.

Yeas	4
Nays	0

APPROVED

Council Member Robins arrived after this vote was taken.

Phil Buffone and Carol Houwaart-Diez of the United Way gave a presentation on the Holiday Lights of Niagara. They asked for a financial commitment from the City of \$30,000, to be taken from the Tourism Fund, to pay for generators and fuel for the displays. They will also need financial assistance in future years, in lesser amounts. City Controller Maria Brown advised the Council Members that these funds were available.

In his Administrative Update, City Administrator William Bradberry commended the staff at the Golf Course for a job well done.

Council Member Robins inquired about the status of determining the residency of City employees, and Mr. Bradberry responded that there were issues with members of the Police Club that were being addressed, and the Administration would present recommendations at the next Council Meeting for non-compliance.

Council Member Rotella asked if the Budget would be presented on time, and Mr. Bradberry said that it would.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of three Items to be added to the Agenda:

1. A Resolution relative to endorsing the submission of the Restore NY Grant Application.

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.

2. A Local Law relative to a Residential/Commercial Urban Exemption Program.

Council Member Fruscione 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 as # 21.

3. A Resolution relative to the Comprehensive Plan and Zoning Ordinance State Environmental Quality Review Act.  
Council Member Fruscione 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.

A lengthy discussion was held on Agenda Item #11, relative to a Veteran's Memorial Commission.

Council Member Robins asked about use of Casino revenue interest to fund expenses rather than include them in the 2008 Budget (Agenda Item #4), and Mrs. Brown and City Engineer Robert Curtis provided the explanation.

Mr. O'Donnell responded to Council Member Robins' questions on the process for renaming City streets.

Mayor Vincenzo Anello asked if the Council Members had any questions for him to address, and there were none.

This Session ended at 4:50 PM

Chairman Anderson reconvened the Meeting at 7:05 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 Anderson announced a Special Order of Business, a Public Hearing relative to amending Article VIII by adding Section 201-D to the City Charter entitled "Residential/Commercial Urban Exemption" and asked if there were any speakers relative thereto. Tom LoStracco spoke.

Chairman Anderson announced another Special Order of Business, a Public Hearing relative to a proposed \$6.3 Million Restore NY Grant application and asked if there were any speakers relative thereto. Carl Slenk spoke.

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

Ken Hamilton	Agenda Item #11
Molly Bradshaw	Agenda Item #19
Jodi Bass	Agenda Item #19
Candice Corsaro	North/Lockport playground Groundbreaking
Hazel Brooks	Property damage by City workers
Ken Hamilton	Court House on Main Street

The following was RECEIVED AND FILED:  
Agenda Item #1  
City Clerk's Report for August, 2007.

The following was RECEIVED AND FILED  
Agenda Item #2

The Planning Board at its February 27, 2007 meeting voted to refer the draft Zoning Ordinance and Comprehensive Plan to the City Council. At your April 2, 2007 meeting, you were presented with the schedule necessary to comply with SEQRA for adoption of the proposed ordinance, including the necessary public hearings and public comment periods and including the fact that at a minimum it would be a three to four month process. The Council held one work session on April 23, 2007 to go over general comments regarding the proposed ordinance and has taken no action since then.

The City has devoted considerable staff work, work by the Planning Board and the consultants the City hired with grant funds to help prepare this.

I urge the Council to restart the examination process in order to complete the SEQRA and adoption process before the end of this year.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

COURT HOUSE PROJECT, DEVELOPER COSTS  
Agenda Item #3

RE: Approval to pay Invoice #17 in the amount of \$262,531.26 for Court House Project for a total to date of \$1,991,220.94

Attached (on file in City Clerk's Office) is Invoice #17 from the Developer for \$262,531.26.

Total paid to date is \$1,991,220.94.

Will the Council approve the payment?

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

Yeas

5

Nays

0

APPROVED

ENGINEERING: CASINO REVENUE INTEREST APPROPRIATION  
Agenda Item #4

RE: Approval to appropriate \$11,500 of Casino revenue interest to the Engineering Department for equipment and training

The budgeted amount for computer equipment and office equipment in the Engineering Department is insufficient to cover the actual needs of the department and will not be requested by this Department in the 2008 budget. The binding machine is antiquated and is utilized by other departments in City Hall.

It is requested that \$11,500.00 be transferred from the casino revenue interest fund to cover the following expenditures:

One Additional Workstation \$7,500.00 to fund code A1440.0000.0250.000

- Computer Equipment

Training for staff of new \$2,500.00 to fund code A1440.0000.0463.000

- Training

hardware/software

(Total of three individuals need training at approximately \$1,250.00 each)

Binding and Fax Machine \$ 1,500.00 to fund code A1440.0000.0220.000 - Office Equipment

Will the Council vote to so approve?

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

Yeas

5

Nays

0

APPROVED

Council Member Robins said that this amount is being removed from the budget to use Casino Revenue interest.

ENGINEERING: BUDGET TRANSFER, AUTOCADD & SURVEYCADD TRAINING

Agenda Item #5

RE: Approval to reappropriate \$2,370.00 from software code to training code for AutoCADD & SurveyCADD training in the Engineering Department.

At its February 20, 2007 meeting, the City Council voted to approve a transfer of \$18,600.00 from 2004 Capital Casino Revenue to fund updated versions of AutoCADD and SurveyCADD. Also at that time, Councilman Robins asked if this would cover the costs of training, and stated that this was a good use of casino funds. The Engineering Department successfully purchased and installed the appropriate upgrades at a cost more than what was anticipated, due to a lapse in license agreements.

Additional training is required to maintain credits and licenses for the City Engineer and training of staff in the latest software versions purchased.

Three individuals will need training at \$1,250.00 each. One individual will need additional training which will be addressed in 2008. Therefore, it is the recommendation of the undersigned that Council authorize the City Controller to transfer \$2,370.00 from the Engineering Department's Software Code A1440.0000.0446.007 to the Travel and Training Code A1440.0000.0463.000.

Will the Council vote to so approve?

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

Yeas 5  
Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY CORPORATION COUNSEL

CLAIM: GALVEZ, EMMA L.

Agenda Item #6

RE: Approval of settlement of claim of Emma L. Galvez in the amount of \$911.40

Date Claim Filed August 8, 2007  
Date Action Commenced: N/A  
Date of Occurrence: August 1, 2007  
Location: Hyde Park and Jerauld Avenue  
Nature of Claim: Automobile damage sustained in an accident with City vehicle  
City Driver: Jeffrey L. Smeal  
Status of Action: Claim stage.  
Recommendation: Best interests of City to pay claim.  
Amount to be Paid: \$911.40  
Make Check Payable to: "Emma L. Galvez"  
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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0

APPROVED

NF HOUSING AUTHORITY: SALE OF 2102 & 2106 MAIN STREET  
Agenda Item #7

RE: Approval of sale of 2102 and 2106 Main Street to Niagara Falls  
Housing Authority for \$1,500.00

The City has received a request to purchase the above referenced City-owned property for the sum of \$1,500.00. This property was approved for sale by the Planning Board at their September 12, 2007 meeting. This property is immediately adjacent to Henry E. Wrobel Towers.

Will the Council approve the sale of this premises for this price in an "as is" condition, 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, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas 5  
Nays 0

APPROVED

Council Member Robins said at this time the property is just green space and the Housing Authority will maintain it.

CLAIM: VLASOW, VERNITA  
Agenda Item #8

RE: Approval of settlement of claim of Vernita Vlasow in the amount of  
\$807.18

Date Claim Filed: March 16, 2007 and July 13, 2007  
Date Action Commenced: N/A  
Date of Occurrence: January 15, 2007 and June 19, 2007  
Location: 2220 Linwood Avenue  
Nature of Claim: Property damage sustained from a fallen City tree limb  
Status of Action: Claim stage.  
Recommendation: Best interests of City to pay claim.  
Amount to be Paid: \$1,521.63  
Make Check Payable to: "Vernita Vlasow"  
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 Robins moved that the amount be amended to read  
\$1,521.63.

Yeas 5  
Nays 0

APPROVED

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

Yeas 5  
Nays 0

APPROVED AS AMENDED

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS  
Agenda Item #9

RE: Approval of Commissioner of Deeds Appointments for a term from  
October 1, 2007 to September 30, 2009

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2007 to September 30, 2009.

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

Daniel Jones Niagara Falls Police Dept.  
Irene Conti 603 38<sup>th</sup> Street, Niagara Falls, NY 14304

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

Yeas 5  
Nays 0

203

APPROVED

RESOLUTION: JOHN R. MCNAB, MEMORY, 2007-68

Agenda Item #10

Relative to the memory of Mr. John R. McNab

BY: All Council Members

**Whereas**, on Tuesday, September, 11<sup>th</sup>, 2007, Mr. John R. McNab passed away in Niagara Falls Memorial Medical Center at the age of 52; and

**Whereas**, John was a member of the Niagara Falls Tourism Advisory Board; a member of the Niagara Falls Planning Board; and on the Board of Directors for the Downtown Niagara Falls Business Association; and

**Whereas**, John was a musician, known for his easy-going personality and sense of humor. He was in the process of reopening the Capitol Theatre on Niagara Street as a venue for large concerts and as a small apartment complex; and

**Whereas**, although John lived in Niagara Falls for only a few years, he quickly became involved in the community. He attended nearly every public meeting in City Hall, especially the Niagara Falls Council Meetings, and kept himself informed on all government and community issues. He will be sadly missed by everyone who knew him.

**Now Therefore Be It Resolved**, that the **Niagara Falls City Council** honors the memory of Mr. John R. McNab and sends condolences to his family and friends.

Yeas

5

Nays

0

ADOPTED

Council Member Robins said that Mr. McNab will be missed at City meetings.

RESOLUTION: NF VETERAN'S MEMORIAL MONUMENT COMMISSION, 2007-69

Agenda Item #11

Relative to the establishment of the Niagara Falls Veteran's Memorial Monument Advisory Commission

BY: Council Chair Robert Anderson, Jr.

WHEREAS, the City of Niagara Falls has lost many young men and women, throughout the years, who have given their lives for their country; and

WHEREAS, the Council would like to move forward to establish a Memorial in the City of Niagara Falls to honor the memory of all those brave men and women with a tribute in the form of a permanent and respectful monument; and

WHEREAS, this resolution establishes a commission, with veterans from all branches of government, to build a Memorial in the City of Niagara Falls to honor the memory of all brave men and women we have lost over the years who have established residency either upon their enlistment or at the time of their death; and

WHEREAS, this commission shall be called the **Niagara Falls Veteran's Memorial Commission**; and

WHEREAS, the members of this Commission shall consist of:

- Dave Fabrizio - United States Marine Corps**
- Roger Spurback - United States Marine Corps**
- Michael Rimmen, United States Marine Corps**
- Richard Slepinski, United States Marine Corps**
- Stan Zimmerman, United States Marine Corps**
- David Vendetti, United States Navy and the Air National Guard**
- Ken Hamilton, United States Navy**
- Charles E. Learn, United States Army**
- Kenneth Gerg, United States Air Force**

NOW FURTHER BE IT RESOLVED, that the Niagara Fall City Council and the City of Niagara Falls will work with the Niagara Falls Veteran's Memorial Commission to establish an appropriate monument at an appropriate location to honor all the men and women from the City of Niagara Falls who have given their lives for our Country.

Council Member Robins moved to amend by changing name, wording and members.

Yeas	5
Nays	0
MOTION TO AMEND APPROVED	
Yeas	5
Nays	0
ADOPTED AS AMENDED	

RESOLUTION: BOATING INFRASTRUCTURE GRANT PROGRAM, 2007-70

Agenda Item #12

Relative to Boating Infrastructure Grant Program, 2007-

BY: All Council Members

WHEREAS, the City is applying for a grant through the United States Fish and Wildlife Service to fund the establishment of a transient marina at the Century Club site; and

WHEREAS, the total cost of the project is estimated at \$3 million and the grant would provide 75% of this funding; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby authorizes the City to apply for this grant and authorizes Sherry Shepherd-Corulli, Records/Asset Control Officer to sign the grant application.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to our local State and Federal representatives.

Yeas	5
Nays	0
ADOPTED	

RESOLUTION: LINDBERGH AVENUE, RENAMING, 2007-71

Agenda Item #13

Relative to rename Lindbergh Avenue

BY: Council Member Chris Robins

WHEREAS, Section 901.02 of the City Ordinances provide that the Council gives names to City streets; and

WHEREAS, prior to the changing of any street name notice must be given at least one (1) week prior to the Council's action in the official City newspaper; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it intends to rename Lindbergh Avenue between 56<sup>th</sup> Street and Builders Way to Cpl. Lorne Henry, Jr. Way.

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish notice of this intension in the Niagara Gazette in accordance with the City Ordinances.

Yeas 3

Fruscione, Robins, Walker

Nays 2

Rotella, Anderson

ADOPTED

Council Member Fruscione said that this is the first step in the process. Council Member Robins has received numerous calls against renaming streets. Council Member Rotella said we should move forward with the next step in two weeks and Chairman Anderson said we should move forward with the Veteran's Memorial.

RESOLUTION: RAINBOW BOULEVARD NORTH, RENAMING, 2007-72

Agenda Item #14

Relative to rename Rainbow Boulevard North

BY: Council Member Chris Robins

WHEREAS, Section 901.02 of the City Ordinances provide that the Council gives names to City streets; and

WHEREAS, prior to the changing of any street name notice must be given at least one (1) week prior to the Council's action in the official City newspaper; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it intends to rename Rainbow Boulevard North to First Street.

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish notice of this intension in the Niagara Gazette in accordance with the City Ordinances.

Yeas 3

Fruscione, Robins, Walker

Nays 2

Rotella, Anderson

ADOPTED

Council Member Robins said this will change the name back to First Street.

RESOLUTION: RAINBOW BOULEVARD SOUTH, RENAMING, 2007-73

Agenda Item #15

Relative to rename Rainbow Boulevard South

BY: Council Member Chris Robins

WHEREAS, Section 901.02 of the City Ordinances provide that the Council gives names to City streets; and

WHEREAS, prior to the changing of any street name notice must be given at least one (1) week prior to the Council's action in the official City newspaper; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it intends to rename Rainbow Boulevard South to Rainbow Boulevard.

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish notice of this intension in the Niagara Gazette in accordance with the City Ordinances.

Yeas 3

Fruscione, Robins, Walker

Nays 2

Rotella, Anderson

ADOPTED

Council Member Robins said there will no longer be two Rainbow Boulevards.

RESOLUTION: STREET NAMING POLICY, 2007-74

Agenda Item #16

Relative to Street naming policy

BY: Council Member Chris Robins

WHEREAS, it is within the authority of the City Council to name and re-name City streets; and

WHEREAS, the City has not had a clear policy regarding the naming of streets.

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

Yeas 3

Fruscione, Robins, Walker

Nays 2

Rotella, Anderson

ADOPTED

Council Member Robins said that he has looked at street naming policies across the country and this is long overdue for Niagara Falls.

RESOLUTION: STATE COMPTROLLER'S HEALTH INSURANCE, 2007-75

Agenda Item #17

Relative to State Comptroller's Health Insurance Examination

BY: Council Member Chris Robins

WHEREAS, the State Comptrollers' Office has issued an examination regarding the City's internal controls over health insurance; and

WHEREAS, one of the findings of that review was that the Acting Corporation Counsel received \$3,080 through 2006 and a total of \$6,128 for opting out of the City's health insurance coverage, a payment that was not authorized under the City's Health Memorandum Plan, and

WHEREAS, the Comptroller recommended that the City seek reimbursement of this amount.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby requests the Administration to recover this sum from the Acting Corporation Counsel.

Yeas 5

Nays 0

ADOPTED

Agenda Item #18

Relative to amending Chapter 171 of the codified Ordinances entitled "Benefits of employees not covered by collective bargaining agreements"

BY: Council Member Chris Robins

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 171.11 to read as follows:

171.11 Insurance: Health

a. The City shall provide group hospitalization and surgical benefits and Major Medical benefits with a \$1.00 co-pay prescription rider. (Blue Cross class 4 or 6 and Blue Shield 50 - 51 plan, Major Medical and Rider 8). The City shall also provide to employees the option of participating in the Independent Health Silver or Gold Plans, Choice Care Plan or the City Self-Insured Traditional or PPO Plan or other plans as approved by the City Administrator. The City shall pay the full cost of the premium for any employees participating in one of these plans. Employees who commence employment on or after March 1, 1998 shall not be eligible for Blue Cross/Blue Shield coverage but will be eligible for non-Blue Cross/non-Blue Shield coverage provided pursuant to this subdivision. The City shall also provide dental coverage known as the "High Level Plan".

b. The City will continue to pay for Blue Cross/Blue Shield or such other health insurance provided pursuant to subdivision "a" that the employee was receiving on the date of retirement, in the amount of one month's coverage for each year of service for employees retiring under New York State Disability Retirement Plan.

c. Other employees on sick leave of absence without pay are entitled to one (1) month coverage of the health insurance provided pursuant to subdivision "a" that the employee was receiving on his or her last day of work for each year of service up to a maximum of twelve (12) months.

d. Blue Cross and Blue Shield benefits provided for in "a" above shall be paid by the City for retirees with a minimum of ten years employment with the City whose years of service plus age equals seventy (70). Employees who retire and are eligible for continued health insurance pursuant to this subdivision but are not eligible for Blue Cross/Blue Shield pursuant to the provisions of subdivision "a" will be provided his or her choice of one of the other coverages provided pursuant to subdivision "a".

This amendment shall be effective for employees whose employment with the City commences following the date of adoption.

e. For purposes of this retirement benefit "years of service" shall include any time earned in the New York State Employees' Retirement System.

f. Blue Cross and Blue Shield benefits, or such health insurance coverage as the City provides for in 171.11(a), above, shall be paid by the City for elected City officials. This coverage shall be continued for elected City officials separated from service whose years of service plus age equals 70 at the time of their separation from service. For purposes of this subdivision, years of service shall include time earned as an elected official for the City of Niagara Falls. (adopted 05/01/96) Elected City officials who are first elected and take office on or after March 1, 1998 shall not be eligible for Blue Cross/Blue Shield coverage but will be eligible for any of the other health insurance coverages provided pursuant to subdivision "a".

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

Yeas 3  
Fruscione, Robins, Walker  
Nays 2  
Rotella, Anderson

ADOPTED

Council Member Robins explained his resolution.

RESOLUTION: SOUTH 86<sup>TH</sup> STREET, RENAMING, 2007-77

Agenda Item #19

Relative to rename South 86<sup>th</sup> Street

BY: Council Member Chris Robins

WHEREAS, Section 901.02 of the City Ordinances provide that the Council gives names to City streets; and

WHEREAS, prior to the changing of any street name notice must be given at least one (1) week prior to the Council's action in the official City newspaper; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it intends to rename South 86<sup>th</sup> Street to Staff Sgt. Aram A. Bass Street.

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish notice of this intension in the Niagara Gazette in accordance with the City Ordinances.

Yeas 3

Fruscione, Robins, Walker

Nays 2

Rotella, Anderson

ADOPTED

Council Member Fruscione said that this decision is not based racially or ethnically.

RESOLUTION: RESTORE NY GRANT APPLICATION, 2007-78

Agenda Item #20

Relative to approval to endorse the submission of Restore NY Grant Application

BY: All Council Members

WHEREAS, it is imperative that this City attract new commercial, retail or mixed-use development to its downtown area to strengthen business activity and attract residents, and

WHEREAS, the Restore New York program provides State grants for just that purpose, and

WHEREAS, the Third Niagara (URA) Mixed Use and Memorial Park Enriched Living Projects described in the grant application, if implemented with Restore New York grants, will accomplish those goals, and

WHEREAS, a public hearing on each project was duly held on the 24th day of September, 2007 at 7:00 P.M. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York,

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

1. that the Third Niagara (URA) Mixed Use and Memorial Park Enriched Living Projects described in the grant application are consistent with the City's existing Comprehensive Plan;
2. that the proposed financing for the Projects is appropriate for each specific facility and for each Project;
3. the Third Niagara (URA) Mixed Use and Memorial Park Enriched Living Projects facilitate effective and efficient use of existing and future public resources so as to promote economic development and preservation of community resources; and
4. the Third Niagara (URA) Mixed Use and Memorial Park Enriched Living Projects develop and enhance infrastructure and other facilities in a manner that will attract, create and sustain employment opportunities, and be it further,

RESOVLED, that we endorse the submission of the grant application.

Yeas 5

Nays 0

ADOPTED

Agenda Item #21

Relative to adopting Local Law to amend City Charter by adding Section 201-D entitled "Residential/Commercial Urban Exemption" to Article VIII of the Charter entitled "Taxation and Assessment"

A Local Law to amend the Niagara Falls City Charter as amended, by adding Section 201-d entitled "Residential/Commercial Urban Exemption" to 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 adding Section 201-d to read as follows:

Section 201-d Residential/Commercial Urban Exemption Program.

1. Definitions. As used in this section, the following terms shall have the following meanings:

- (A) "Municipality" means the City of Niagara Falls.
- (B) "Applicant" means any person obligated to pay real property taxes on the property for which an exemption from real property taxes under this section is sought.
- (C) "Commercial construction work" means the modernization, rehabilitation, expansion or other improvement of the portion of mixed-use property to be used for commercial purposes.
- (D) "Commercial purpose or use" means the buying, selling or otherwise providing of goods or services, including hotel services, or other lawful business or commercial activities permitted in mixed-use property
- (E) "Mixed-use property" means property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes.
- (F) "Person" means an individual, corporation, limited liability company, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity.
- (G) "Residential construction work" means the creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

2. The City of Niagara Falls adopts the Residential/commercial urban exemption program authorized by Section 485-a of the New York Real Property Tax Law. The county in which such municipality is located may, by local law, and any school district, all or part of which is located in such municipality, may, by resolution, exempt such property from its taxation in the same manner and to the same extent as such municipality has done.

3. Non-residential real property, upon conversion to mixed-use property, shall be exempt from taxation and special ad valorem levies as provided for in subdivision four of this section.

4. (A) (I) For a period of twelve years from the approval of an application, the increase in assessed value of such property attributable to such conversion shall be exempt as provided in subparagraph (ii) of this paragraph. Such exemption shall be computed with respect to the "exemption base". The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value.

(ii) The following table shall illustrate the computation of the tax exemption:

<u>Year of exemption</u>	<u>Percentage of exemption</u>
<u>1 through 8</u>	<u>100% of exemption base</u>
<u>9</u>	<u>80% of exemption base</u>
<u>10</u>	<u>60% of exemption base</u>

11  
12

40% of exemption base  
20% of exemption base

(B) No such exemption shall be granted unless:

(I) Such conversion was commenced subsequent to the date on which the municipality's local law took effect; and

(ii) The cost of such conversion exceeds the sum of ten thousand dollars or such greater amount as may be specified by law local.

(C) For purposes of this section the term conversion shall not include ordinary maintenance and repairs.

(D) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

5. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the state board. Such application shall be filed with the assessor of the municipality or county having the power to assess property for taxation on or before the appropriate taxable status date of such municipality or county.

6. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as in this section provided commencing with the assessment roll prepared after the taxable status date referred to in subdivision five of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

Section 2. This Local Law shall take effect as provided in the Municipal Home Rule Law.

Underlining and **Bold** indicate additions.

**Bold** and **[Brackets]** indicate deletions.

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: COMPREHENSIVE PLAN AND ZONING ORDINANCE, 2007-79

Agenda Item #22

Relative to Comprehensive Plan and Zoning Ordinance State Environmental Quality Review Act.

BY: All Council Members

**WHEREAS**, the City is contemplating the adoption of a new Comprehensive Plan and a new Zoning Ordinance,

**NOW THEREFORE BE IT RESOLVED**, that the adoption of a new Comprehensive Plan and a new Zoning Ordinance is a Type I action under the State Environmental Quality Review Act ("SEQRA") under 6 NYCRR 617.04(b)(1) and (2), and be it further

**RESOLVED**, that no federal, state or local Agency other than the City Council of the City of Niagara Falls, New York the City has authority to approve any aspect of the new Plan or Zoning Ordinance. The City is the sole involved Agency, and therefore the City Council of the City of Niagara Falls, New York is the only Agency authorized to conduct the SEQRA review, and be it further

**RESOLVED**, that an Environmental Assessment Form be prepared for submission to the City Council at its next meeting so that the Council can determine areas of environmental concern to be addressed in the Environmental Impact Statement

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci  
City Clerk



OCTOBER 1, 2007

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

September 26, 2007

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, October 1, 2007 at 4:00 P.M. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Presentation of Proposed 2008 Budget by Mayor Vincenzo V. Anello.

Respectfully submitted,

Robert A. Anderson, Jr., Council Chairman

In the absence of Council Chairman Anderson, The October 1, 2007 Special Meeting of the Niagara Falls City Council was called to order by Council Member Chris Robins at 4:12 p.m. in the Council Chambers.

Present: Council Members Samuel Fruscione, Chris Robins, Lewis Rotella and Charles Walker. - 4.

Absent: Council Chairman Robert Anderson-1

Also present: Mayor Vincenzo V. Anello, and City Controller Maria Brown.

Mayor Vincenzo V. Anello presented his 2008 Proposed Budget.

There being no further business to come before the Council, Council Member Robins adjourned the meeting at 4:20 P.M.

Carol A. Antonucci  
City Clerk



OCTOBER 9, 2007

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the October 9, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meetings of September 24, 2007 and October 1, 2007.

Yeas	5
Nays	0

APPROVED

Rick Williams, Chairman of the Human Rights Commission, gave an update on the Commission's activities. He reported that Department Heads were given diversity training, and sessions would also be held with the entire Police Department.

In the Administrative Update:

City Administrator William Bradberry spoke on compliance with the residency requirement. He also reported that work had begun on the City Hall roof repairs.

Mayor Vincenzo V. Anello said that, although the batch plant had an early closing, street repairs were ahead of schedule.

Council Member Robins questioned revenues from parking meters, and City Controller Maria Brown explained revenue reports. Mayor Anello said that the City needs a marketing plan to get out of the parking business, and RFP's are expected to be returned within the next few weeks. An update from Photo Violations will be given at the end of the 6 month trial period, and any concerns should be forwarded to the City Administrator.

Deputy Corporation Counsel Thomas O' Donnell distributed copies of two Resolutions to be added to the Agenda:

1. A Resolution relative to authorizing the issuance of Bonds for the new Public Safety and Courts Facility Complex.

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

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added as #25.

2. A Resolution relative to foundation permits for the Court House Project.

Council Member Robins 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 #26.

Council Member Rotella asked if approval of Agenda Item #3, relative to NFURA boundary expansion, would diminish control by the Council and Administration over the Court House Project, and responses/explanations were provided by Mayor Anello, Acting Corporation Counsel Damon DeCastro and Senior Planner Thomas DeSantis.

Council Member Robins moved for an Executive Session to discuss litigation relating to the Court House, and his motion was unanimously approved. He also moved to end the Executive Session, and that motion was also unanimously approved. The Executive Session began at 4:45 PM, and ended at 4:55 PM, at which time Chairman Anderson adjourned the Session.

Chairman Anderson reconvened the Meeting at 7:07 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fruscione and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Street Name Changes:

Pat Heichel  
Kathy Rybarczyk  
Owen Steed  
Cristina Ventry  
Molly Bradshaw  
Jodi Bass  
Christopher DiDonna  
Desire Cox  
Lasheema Rose  
Alyesia Brown  
Makayla Barber  
Christian Cunningham  
Matteo Anello  
Maureen Kellick  
Diana Pogorzelski  
Kathy Iodice  
Carolyn Blevins  
Beverly King  
Bert Donahue  
Ken Hamilton

Matt Franjoine  
Russell Franjoine  
Charifa Lee

Priscilla Addoms  
Vanessa Scott

Charleen Jones

Agenda Item #12  
Agenda Item #12  
Programs for underprivileged  
to help curb crime  
Replace plaque in Jayne Park  
Police sub-station on 18<sup>th</sup>  
Street  
Conditions in City

The following was RECEIVED AND FILED:  
Agenda Item #1  
Claim's Report for September, 2007.

The following was RECEIVED AND FILED:  
Agenda Item #2

Please be advised that on October 2, 2007 Mayor Vincenzo V. Anello duly approved Resolution 2007-76, relative to amending Chapter 171 of the Codified Ordinances entitled "Benefits of Employees not covered by Collective Bargaining"

The following was RECEIVED AND FILED:  
Agenda Item #3

At its meeting of September 25, 2007, the Niagara Falls Urban Renewal Agency unanimously voted to recommend that the City Council designate an expanded area for future Urban Renewal activities. I understand that a resolution finally approving that expanded area is on the agenda to be considered by you tonight.

In connection with that decision, enclosed is the following (on file in the City Clerk's office)

1. Site Conditions Report dated May, 2007;
2. July 11, 2007 resolution of City Planning Board recommending the approval of the expanded area;
3. September 25, 2007 resolution of Niagara Falls Urban Renewal Agency recommending approval of the expanded area.

Mark Tytka, from PB Americas, Inc. (formerly Parsons Brinckerhoff) will make a short presentation to the Council and the public at the 7:00 PM meeting. Independently of this transmittal, I have arranged for two large prints of the map of the proposed expanded area to be delivered to the Council office.

Will the Council receive these documents for filing in the official City Council minutes?

The following was RECEIVED AND FILED:  
Agenda Item #4

Last year, as part of the review of all City fees, the Council changed the fees under the Amusement Ordinance.

It is the recommendation of the Administration that the Council again look at these fees and change them to \$50.00 per year per location for one to five amusement games and \$100.00 per year per location for six or more games at one location.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: UNITED WAY OF NIAGARA  
Agenda Item #5

RE: Approval of license agreement with United Way of Niagara to allow Holiday Lights drive-thru program

Attached (on file in City Clerk's Office) hereto is a proposed License Agreement with United Way of Niagara to allow the holiday lights drive-thru program.

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

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

Yeas

5

Nays

0

APPROVED

BUDGET AMENMENT: TOURISM FUND FOR HOLIDAY LIGHTS  
Agenda Item #6

RE: Approval to appropriate \$30,000 from Tourism fund to United Way to help fund the Holiday of Lights drive-thru program

The United Way of Niagara has requested that the City appropriate \$30,000 from the tourism fund to help fund the holiday lights drive-thru program.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: CINTAS CORPORATION, FLOOR MATS & UNIFORMS

Agenda Item #7

RE: Approval of Bid #23-07 with Cintas Corporation for rental and/or laundry of uniforms and floor mats.

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

TO: Cintas Corporation  
5740 Genessee Street  
Lancaster, NY 14086

FOR: Rental and/or laundry of uniforms and floor mats per the attached tally sheet.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eight (8) vendors. Six (6) bids were received. The above referenced company submitted the overall lowest bid to meet our specifications.

Funds for this expenditure are available in various Departments, Laundry and Cleaning code: .0465.000.

Council Member Fruscione 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 ADMINISTRATOR

RESIDENCY WAIVER: ANA HERNANDEZ

Agenda Item #8

RE: Approval of Residency waiver for City employee Ana Hernandez Local Law #7 for the Year 1984 (amended by Local Law #3 for the Year 1996), establishes a residency requirement for all employees hired after December 17, 1984. Section Six of the Local Law provides a mechanism by which an employee may seek a waiver from the residency requirements therein. The City Council will then determine, based upon the information submitted by the employee, whether it is in the best interests of the City to grant such a waiver.

Attached( on file in City Clerk's Office) please find a request for a residency waiver from City employee Ana Hernandez.

Will the Council so approve?

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

Yeas 0  
Nays 5

DEFEATED

RESIDENCY WAIVER: JUSTIN MARSHALL

Agenda Item #9

RE: Approval of residency waiver for City employee Justin Marshall Local Law #7 for the Year 1984 (amended by Local Law #3 for the Year 1996), establishes a residency requirement for all employees hired after December 17, 1984. Section Six of the Local Law provides a mechanism by which an employee may seek a waiver from the residency requirements therein. The City Council will then determine, based upon the information submitted by the employee, whether it is in the best interests of the City to grant such a waiver.

Attached(on file in City Clerk's Office)please find a request for a residency waiver from City employee Justin Marshall.

Will the Council so approve?

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

Yeas 0  
Nays 5

DEFEATED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: FAIRMONT SPECIALTY INSURANCE a/s/o KEN WENDT'S PROPANE GAS SERVICE, INC.

Agenda Item #10

RE: Approval of settlement of claim of Fairmont Specialty Insurance (Ken Wendt's Propane Gas Service, Inc.) in the amount of \$4,168.78  
Date Claim Filed: August 8, 2005  
Date Action Commenced: August 9, 2006  
Date of Occurrence: May 12, 2005  
Location: Factory Outlet Boulevard and Niagara Falls Boulevard  
Nature of Claim: Accident with City driver  
City Driver: Jacqueline Weigel  
Status of Action: Action filed  
Recommendation/Reason: Best interests of City to pay.  
Amount to be Paid: \$4,168.78  
Make Check Payable to: "Fairmont Specialty P & C"  
Conditions: General Release and Stipulation of Discontinuance approved by Corporation Counsel.

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

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

Yeas 5  
Nays 0

APPROVED

CLAIM: ALLSTATE INSURANCE COMPANY a/s/o CECELIA BRAKEFIELD

Agenda Item #11

RE: Approval of settlement of claim of Allstate Insurance Company (Cecelia Brakefield) in the amount of \$750.00  
Date Claim Filed: August 8, 2005  
Date Action Commenced: August 9, 2006  
Date of Occurrence: May 12, 2005  
Location: Factory Outlet Boulevard and Niagara Falls Boulevard  
Nature of Claim: Accident with City driver  
City Driver: Jacqueline Weigel  
Status of Action: Action filed  
Recommendation/Reason: Best interests of City to pay.  
Amount to be Paid: \$750.00  
Make Check Payable to: "Allstate Insurance Company"  
Conditions: General Release and Stipulation of Discontinuance approved by Corporation Counsel.

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

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

Yeas 5  
Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE HISTORIC PRESERVATION COMMISSION

HISTORIC LANDMARK: 1438 FALLS STREET  
Agenda Item #12

RE: Approval of designation of 1438 Falls Street as an Historic Landmark

Attached(on file in the City Clerk's office)is the report from the Niagara Falls Historic Preservation Commission recommending designation of 1438 Falls Street, the former East Side Bank, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the building exterior. This proposed designation was approved with the participation of the building owner.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the designation of the exterior of 1438 Falls Street, the former East Side Bank, and forward the designation to the Mayor for approval, as provided by City Ordinance?

Council Member Fruscione moved that the communication be tabled.

Yeas

5

Nays

0

TABLED

HISTORIC LANDMARK: 650 PARK PLACE  
Agenda Item #13

RE: Approval of designation of 650 Park Place as an Historic Landmark

Attached(on file in City Clerk's Office) is the report from the Niagara Falls Historic Preservation Commission recommending designation of 650 Park Place, the First Church of Christ Scientist, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the building exterior and interior public areas. This proposed designation was approved with the participation of the building owner.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the designation of the exterior and interior public areas of 650 Park Place, the First Church of Christ Scientist, and forward the designation to the Mayor for approval, as provided by City Ordinance?

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: NIAGARA PARKS REINVESTMENT ACT, 2007-80

Agenda Item #14

Relative to the Niagara Parks Reinvestment Act

BY: Council Member Samuel Fruscione

WHEREAS, the Niagara Parks Reinvestment Act has been introduced by Senator Maziarz in the New York State Senate; and

WHEREAS, this legislation was created to amend the parks, recreation and historic preservation law and state finance law, in relation to enacting the "Niagara Parks Reinvestment Act", and

WHEREAS, the Niagara Parks Reinvestment Act requires fifty percent of both parking revenue and concessions revenue generated at state parks in the county of Niagara to be deposited in the Niagara Parks Reinvestment Fund; establishing the Niagara Parks Reinvestment Fund; and

WHEREAS, these monies would be reinvested into capital improvements in state parks located in Niagara County. It may also create a transportation system linking the state parks with other tourist attractions located in Niagara County. Dedicating 50% of the fees collected at these parks will produce a steady and somewhat predictable funding stream to allow capital improvements and maintenance of the state parks in Niagara County; and

WHEREAS, that the City of Niagara Falls urges Assemblywoman Francine DelMonte to join our community in fully supporting this Act by introducing legislation in the New York State Assembly.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it supports the Niagara Parks Reinvestment Act; and that a copy of this resolution be sent to our New York State representatives and leadership members and the New York State Office of Parks, Recreation, and Historic Preservation.

Council Member Fruscione moved to amend Resolution by adding concession revenue after parking revenue

Yeas 5  
Nays 0

APPROVED

Council Member Fruscione moved to adopt the resolution as amended.

Yeas 5  
Nays 0

ADOPTED AS AMENDED

RESOLUTION: BOARD OF ASSESSMENT REVIEW, RE-APPOINTMENT, 2007-81

Agenda Item #15

Relative to the re-appointment to the Niagara Falls Board of Assessment Review

BY: All Council Members

BE IT RESOLVED, that the following individual is hereby re-appointed to The City of Niagara Falls Board of Assessment review for the term opposite his name, effective immediately.

**APPOINTMENT** **TERM EXPIRES:**

Mr. Bert Donahue 9/30/12  
8189 WestRivershore Drive  
Niagara Falls, New York 14304

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: PLANNING BOARD APPOINTMENT, 2007-82

Agenda Item #16

Relative to appointment to the Niagara Falls Planning Board

BY: All Council Members

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Planning Board effective immediately to fill the unexpired term of John McNab, who recently passed away.

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Richard D. Smith	12/31/2009
1021 - 96 <sup>th</sup> Street	
Niagara Falls, NY 14304	
298-1950	

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: BUDGET MEETING SCHEDULE, 2007-83

Agenda Item #17

Relative to the Budget Meeting schedule

BY: Council Chair Robert Anderson, Jr.

BE IT RESOLVED, By the City Council of the City of Niagara Falls, New York, that it hereby schedules Budget Meetings to commence at 4:00pm in the Council Chambers on :

October 10, 15, 17, 23, 24, 29 and 30; and November 14, 15 and 20.

Council Member Fruscione moved to amend the Resolution by changing the time to 4:00 P.M.

Yeas	5
Nays	0
	APPROVED

Council Member Fruscione moved to adopt the resolution as amended.

Yeas	5
Nays	0
	ADOPTED AS AMENDED

RESOLUTION: URBAN RENEWAL SITE DESIGNATION, 2007-

Agenda Item #18

Relative to Urban Renewal Site Designation Resolution: Niagara Falls Urban Renewal 2007 Restoration Area

BY: All Council Members

WHEREAS, a condition survey was undertaken in March 2007 to assess the conditions of structures within the East Falls Street and Rainbow Center Urban Renewal Plan areas and the federally designated Renewal Community (Census Tracts 202, 204, 205, 206, 209, 211) and to determine the appropriateness of the survey area or portion thereof for urban renewal treatment under Subdivision 3 of Section 502, Article 15 of the New York State General Municipal Law; and

WHEREAS, the area studied is described as all that tract of land situated in the City of Niagara Falls, County of Niagara and State of New York generally bounded by the street rights-of-way of College and Massachusetts Avenues on the north, Hyde Park Boulevard, 21<sup>st</sup> Street, 18<sup>th</sup> Street, 15<sup>th</sup> Street, Porter Road and Acheson Drive on the east, the rear property lines of properties fronting Buffalo Avenue on the south, and Prospect Street, Main Street, Whirlpool Street and Hojak railroad right-of-way on the west, and excluding lands owned and control by the Seneca Nation of Indians; and

WHEREAS, the May 2007 condition survey report concluded that building conditions in the area are substandard, as defined in Subdivision 3 of Section 502, Article 15 of the New York State General Municipal Law;

WHEREAS, the City of Niagara Falls Planning Board, at its July 11, 2007 meeting, passed a resolution recommending to the City Council designation of the area for urban renewal treatment and preparation of an urban renewal plan; and

WHEREAS, the Niagara Falls Urban Renewal Agency, at its September 25, 2007 meeting, passed a resolution recommending to the City Council designation of the within-described area for urban renewal treatment and recommending preparation of an urban renewal plan; and

WHEREAS, the designation of said area will allow for the systematic, long term, replanning, reinvestment, and redevelopment of the area;

WHEREAS, the designation and redevelopment of said area will provide new economic development and job opportunities to the community at large, and will aid in the stabilization of local property tax rolls, and will provide a framework for public and private reinvestment within the area; and

WHEREAS, urban renewal site designation is a SEQRA Type II preliminary planning activity that does not commit the City or Agency to undertake, fund or approve any specific action.

NOW, THEREFORE, BE IT RESOLVED, that, we, the members of the City Council of the City of Niagara Falls, New York, having considered the May 2007 conditions survey report, the Niagara Falls Planning Board Resolution of July 11, 2007 and the Niagara Falls Urban Renewal Agency Resolution of September 25, 2007, each recommending establishment of the Niagara Falls Urban Renewal 2007 Restoration Area, find the proposed Niagara Falls Urban Renewal 2007 Restoration Area, consisting of all that tract of land situated in the City of Niagara Falls, County of Niagara and State of New York generally bounded by the street rights-of-way of College and Massachusetts Avenues on the north, Hyde Park Boulevard, 21<sup>st</sup> Street, 18<sup>th</sup> Street, 15<sup>th</sup> Street, Porter Road and Acheson Drive on the east, the rear property lines of properties fronting Buffalo Avenue on the south, and Prospect Street, Main Street, Whirlpool Street and Hojak railroad right-of-way on the west, and excluding lands owned and control by the Seneca Nation of Indians, to be a substandard, insanitary area which tends to impair and arrest the sound growth and development of the municipality, as defined in Subdivision 3 of Section 502, Article 15 of the New York State General Municipal Law; and

BE IT FURTHER RESOLVED, that, the Niagara Falls Urban Renewal 2007 Restoration Area as described within be designated for urban renewal treatment pursuant to Section 504, Article 15 of the New York State General Municipal Law and that an urban renewal plan for the long term, comprehensive redevelopment of the designated Niagara Falls Urban Renewal Area be prepared.

Council Member Fruscione moved that this item be tabled.

Yeas 5  
Nays 0

RESOLUTION: HIRING FREEZE, 2007-84

Agenda Item #19

Relative to requesting implementation of hiring freeze

BY: All Council Members

WHEREAS, a substantial part of the City budget is salary expenses; and  
WHEREAS, it appears that there are a number of vacant positions at this time; and

WHEREAS, if the 2008 budget eliminates some or all of these positions, the City would be responsible for additional expenses such as unemployment, if these positions are filled in the meantime;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby requests the City Administration to implement a hiring freeze for the rest of 2007; and

BE IT FURTHER RESOLVED, that if it is necessary for the City Council to adopt budget amendments to implement this hiring freeze, that the Administration present these proposed amendments to the Council as soon as practicable.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: RENAMING LINDBERGH AVENUE, 2007-

Agenda Item #20

Relative to renaming Lindbergh avenue

BY: Council Member Chris Robins

WHEREAS, Section 901.02 of the City Ordinances provides that the Council gives names to City streets;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby renames Lindbergh Avenue between 56<sup>th</sup> Street and Builders Way to Cpl. Lorne Henry, Jr. Way.

Yeas 1  
Walker  
Nays 4  
Fruscione, Robins, Rotella, Anderson

DEFEATED

Council Member Robins said that both Henry and Bass were heroes.

RESOLUTION: RENAMING RAINBOW BOULEVARD NORTH, 2007-85

Agenda item #21

Relative to renaming Rainbow Boulevard North

BY: Council Member Chris Robins

WHEREAS, Section 901.02 of the City Ordinances provides that the Council gives names to City streets;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby renames Rainbow Boulevard North to First Street.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: RENAMING RAINBOW BOULEVARD SOUTH, 2007-86

Agenda Item #22

Relative to renaming Rainbow Boulevard South

BY: Council Member Chris Robins

WHEREAS, Section 901.02 of the City Ordinances provides that the Council gives names to City streets;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby renames Rainbow Boulevard South to Rainbow Boulevard.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: RENAMING SOUTH 86<sup>TH</sup> STREET, 2007-

Agenda Item #23

Relative to renaming South 86<sup>th</sup> Street

BY: Council Member Chris Robins

WHEREAS, Section 901.02 of the City Ordinances provides that the Council gives names to City streets;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby renames South 86<sup>th</sup> Street to Staff Sgt. Aram A. Bass Street.

Yeas	1
Walker	
Nays	4
Fruscione, Robins, Rotella, Anderson	

DEFEATED

Council Member Walker said that there have been no guidelines for street naming. Changes should not be done based on community support.

RESOLUTION: STATE COMPTROLLER'S HEALTH INSURANCE EXAMINATION, 2007-87

Agenda Item #24

Relative to the State Comptroller's Health Insurance Examination

BY: Council Chair Robert Anderson

Council Member Lewis Rotella

WHEREAS, the State Comptrollers' Office has issued an examination regarding the City's internal controls over health insurance; and

WHEREAS, one of the findings of that review was that City Officials should comply with the provisions of the Health Care Memorandum and City Ordinance and discontinue providing City-paid health care coverage to part-time employees; and

WHEREAS the State Comptrollers' Office recommended that City Officials should investigate recovering improper benefits;

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

- In recognition of the years of service of the three (3) current Civil Service Commissioners, and in light of a practice which has been in place for thirty-eight plus years', the Council supports the "grandfathering in" and continuation of health insurance benefits for current Civil Service Commissioners, and seeks approval of same by the City of Niagara Falls Labor Management Health Care Committee. Such benefits should continue for the current incumbents, and thereafter the City should follow the terms which govern the administration of the City's health care program. The Council also agrees to not seek recovery of past benefits; and
- The Council also hereby supports the same for the part-time Police Law Advisor who was previously entitled to benefits under Chapter 171, but inadvertently omitted upon adoption of the current Health Care Memorandum of Understanding. The Council also agrees to not seek recovery of past benefits.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: AUTHORIZING THE ISSUANCE OF \$39,500,000 BONDS FOR COUTYHOUSE  
COMPLEX, 2007-88

Agenda Item #25

Relative to the issuance of \$39,500,000 Bonds of the City of Niagara Falls, Niagara County, New York, to pay costs of the acquisition of a new Public Safety and Courts Facility Complex, in and for said City

BY: All Council Members

WHEREAS, Chapter 487 of the Laws of 2007 authorize the City of Niagara Falls to contract with a local development corporation for a public safety and courts facility project; and

WHEREAS, the City desires to contract with Bellevue Local Development Corporation for the acquisition of such facility upon the terms to be set forth in the agreement related thereto; NOW, THEREFORE, BE IT

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

Section 1. For the purpose of paying costs of the acquisition of a new Public Safety and Courts Facility Complex, in and for the City of Niagara Falls, Niagara County, New York, including land and rights-in-land, and incidental costs and expenses related thereto, there are hereby authorized to be issued \$39,500,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid object or purpose is \$45,100,000, which is hereby authorized and the plan of financing consists of the \$39,500,000 bonds hereby authorized and \$5,600,000 bonds authorized pursuant to bond resolutions dated June 5, 2006 for the preliminary plans, surveys and site improvement (\$3,700,000) and the acquisition of land (\$1,900,000).

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty (30) years, pursuant to subdivisions 94 (11(a)(1) and 21(a)) of paragraph (a) of Section 11.00 of the Local Finance Law.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: COURTHOUSE PROJECT, FOUNDATION PERMITS, 2007-89

Agenda Item #26

Relative to foundation permits for the Courthouse Project

BY: All Council Members

WHEREAS, the City does not authorize its Department of Inspections to issue foundation permits; and

WHEREAS, the Courthouse project may be subject to delays because of this policy; and

WHEREAS, the denial of the foundation permit would result in additional cost on the taxpayers due to the deadlines imposed by the Office of Court Administration; and

WHEREAS, the City has been able to secure additional State funding for the Courthouse project conditioned upon starting the project immediately; and

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York directs that the Department of Inspections issue a foundation permit, provided that all necessary documents and information necessary to receive a foundation permit are received timely by the Department of Inspections; and

BE IT FURTHER RESOLVED, that this foundation permit approval should be limited to projects constructed by the City of Niagara Falls or on the behalf of the City of Niagara Falls, New York.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Anderson recessed the Meeting at 8:20 p.m. until Wednesday, October 10, 2007 at 4:00 P.M.

Carol A. Antonucci

City Clerk



OCTOBER 10, 2007

**BUDGET WORK SESSION**

**NIAGARA FALLS, NEW YORK**

The October 10, 2007 Budget Work Session of the Niagara Falls City Council was called to order at 4:20 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella and Charles Walker - 5.

Also present: City Administrator William Bradberry and City Controller Maria Brown.

Police Superintendent John Chella and Administrative Captain John DeMarco discussed the Police Department Budget with the Council Members.

Department increases are due to contractual obligations, and a rise in gasoline prices for the Patrol Division. Also, cars will need to be replaced next year, and, it has not been determined if they will be bought or leased.

The Police Department is no longer teaching the DARE Program - a federal grant was received by the School District and the Police Department for the GREAT Program.

The crime rate is down in every category, especially violent crimes. The corresponding arrest rate is also down.

There was discussion on replacing a Captain's position with that of Lieutenant, but there is a pending grievance, and Council Member Robins suggested waiting until the grievance is settled.

The Department is facing a manpower deficit until the spring, due to retirements, pending retirements and recruits at the academy who will not be ready for duty until next year. This will cause an increase in the overtime line. The Superintendent said that the Department could be streamlined on the administrative level, but that is a matter to be negotiated with the Unions.

Parking ticket revenue is down, due to the availability of free parking at the Casino ramp, and parking meters. The Superintendent said that enforcement of parking violations has not been a priority. Chairman Anderson suggested stronger enforcement and higher penalties for handicap parking violations.

There being no further business to come before the Council, Chairman Anderson recessed the meeting at 5:15 p.m. until Monday, October 15, 2007 at 4:00 P.M.

Carol A. Antonucci  
City Clerk

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OCTOBER 15, 2007

**BUDGET WORK SESSION**

**NIAGARA FALLS, NEW YORK**

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The October 15, 2007 Budget Work Session of the Niagara Falls City Council was called to order at 4:15 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, and Charles Walker - 5.

Also present: City Administrator William Bradberry, and City Controller Maria Brown.

Fire Chief William MacKay noted that the staffing level for the Fire Department is the same for 2008 as it was in 2006 and 2007. Also, the Chief stated that 95% of the Department's budget is not directly under his control, and future contract negotiations should address these issues.

A line has been added to the Department's budget to fund boarding up costs, which will enable those at the scene of a fire to secure the property, rather than wait for the Inspections Department to send out an Inspector.

Emergency calls have increased 40% in the past two years.

A lengthy discussion was held on funding for the overtime line. There are vacancies that cannot be filled due to buyouts for retirees, and training for new hires takes 10 weeks. Both of these situations incur overtime costs.

The long range Capital Plan includes equipment requests for the Department.

The Chief also spoke on the deteriorated conditions at the 10<sup>th</sup> Street Fire Hall, and suggested looking into a lease/purchase agreement for replacing an engine truck and ladder truck.

Chairman Anderson adjourned the Session at 5:15 PM

Carol A. Antonucci  
City Clerk

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OCTOBER 17, 2007

**BUDGET WORK SESSION**

**NIAGARA FALLS, NEW YORK**

The October 17, 2007 Budget Work Session of the Niagara Falls City Council was called to order at 4:15 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella - 4.

Absent: Council Member Charles Walker-1 (Arrived at 4:20 p.m.)

Also present: City Administrator William Bradberry and City Controller Maria Brown.

City Controller Maria Brown explained job reclassifications for four positions within the various divisions of her Department. She has offset the increased personnel costs by reducing the line for consultants, which line is used to cover costs for the Bond Counsel and the services of an Actuarial.

Purchasing Agent Dean Spring requested a job reclassification for an employee in his Department, and said that it was appropriate for the work that the employee was doing. He also spoke on the process for the purchase of a Veterans' Memorial.

Inspections Director Guy Bax said that his Department has four Building Inspectors, in addition to one Inspector who works out of Community Development. Council Member Rotella suggested providing laptop computers for the Inspectors to help them in their field work, and Mr. Bax agrees that it would be a good idea to try the process. Council Member Robins questioned how budgeting for building permit revenue was determined, and Mrs. Brown replied that the figures are purposely kept conservative since revenue can vary from year to year, depending on the number of building projects. Council Member Rotella said that he has researched demolition costs in Buffalo, and costs in Niagara Falls are significantly higher. Mr. Bax suggested that union labor issues may be the reason.

City Engineer Robert Curtis spoke on the projects that were ongoing, in the planning stage or waiting for funding. Council Member Robins asked about the fencing for the Little League diamonds, and Mrs. Brown spoke on funding for capital projects in the Parks. A discussion followed on a prioritized plan for Hyde Park, and City Administrator William Bradberry agreed to work on it. Chairman Anderson asked how it is determined which streets and sidewalks are repaired, and Mr. Curtis explained the rating system, and then the lists are sent to the Administration to select which streets and sidewalks will be repaired each year. The Council will be kept updated on the lists.

There being no further business to come before the Council, Chairman Anderson adjourned the meeting at 5:20 p.m.

Carol A. Antonucci  
City Clerk

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OCTOBER 23, 2007

**BUDGET WORK SESSION**

**NIAGARA FALLS, NEW YORK**

The October 23, 2007 Budget Work Session of the Niagara Falls City Council was called to order at 4:18 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles Walker - 5.

Also present: City Administrator William Bradberry and City Controller Maria Brown.

John Caso, Neighborhood Services Manager, spoke on the many divisions within his Department.

The Council Members noted that the Golf Course is greatly improved. City Controller Marie Brown pointed out that the bond for the sprinkler system is almost completely paid off, and Trades Manager Robert Spacone said that the system needs updating, which will cost approximately \$65,000.

Mr. Caso spoke on positions that were added to the Budget for 2008, including making a year round Crew Leader position. Also, there are seasonal/temporary positions that were made permanent because the employees were working year round.

Chairman Anderson said that the Forestry Department is in dire need of equipment, and would not be able to handle an emergency situation with the present equipment. Mrs. Brown will meet with Department Heads to work on a capital projects "wish list".

Council Member Rotella asked for a list of all the parks within the City.

Mr. Spacone requested an additional Electrician and Painter, which would make it more cost effective for various projects to be done in-house, rather than contracted out. A lengthy discussion followed.

Council Member Rotella also noted the deteriorated conditions at some of the Fire Halls, and Mr. Spacone said that was due to a shortage of employees to keep up with routine maintenance at the various City facilities.

There being no further business to come before the Council, Chairman Anderson adjourned the meeting at 5:15 p.m.

Carol A. Antonucci  
City Clerk

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OCTOBER 22, 2007

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the October 22, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:13 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Keith Pitman, CEO of NYS Wind Energy, spoke on using wind as a source of clean, green energy. He said that, at the present time, no testing has been done, but his company is collecting data, and there appears to be an adequate wind resource in the area. He spoke on other municipalities that have such projects, and said that brownfields are a possibility for this type of project. Mayor Vincenzo Anello added that while using brownfields is possible, negotiations would have to be done with the various owners of the brownfields.

Richard Meranto, Chairman of the Cable Commission, asked for financial support to buy additional equipment for OSC Channel 21, which is run by local high school students.

In his Administrative Update, Mayor Anello reported that the ongoing Budget Sessions are going well.

Council Member Robins asked about enforcement of the Vending Ordinance (Agenda Item #11), and the Mayor responded that setting goals for the Ordinance to accomplish should be done before changes are made to the Ordinance. A lengthy discussion followed on enforcement.

Council Member Robins also inquired about RFP's for the City's parking facilities (Agenda Item #11), and Acting Corporation Counsel Damon DeCastro informed him that the City had received 5 inquiries about taking over parking facilities, so the RFP was not being sent out just yet. Mr. DeCastro asked that the Council authorize Mr. Abramowitz to work with him on evaluating the inquiries in order to keep the Council informed. Since the Ramp needs approximately \$3 - \$5 Million dollars in repairs, it would be in the City's best interest to turn the parking facilities over to a private investor. Council Member Rotella asked that any proposals include a performance bond. Mayor Anello added that the goal would be to generate revenue while eliminating an expense to the City as far as parking facilities are concerned.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of two Items to be added to the Agenda:

1. A communication relative to purchase of a Police car.  
Council Member Robins moved to add the communication to the Agenda.  
Yeas 5  
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED  
The communication was added as #12.

2. A communication relative to appropriating funds from the Court House Bond to the Inspections Department to cover overtime for Plan review. Council Member Fruscione moved to add the communication to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED  
 The communication was added as #13.

Community Development Project Administrator Robert Antonucci asked that the Council consider setting terms of 3 - 5 years for agencies that receive funding from the Community Development Budget (Agenda Item #8). He said that some agencies rely on the funding every year, and this does not give other agencies a chance.

Council Member Fruscione moved for an Executive Session to discuss litigation. His motion was unanimously approved. His motion to end the Executive Session was also unanimously approved. The Executive Session began at 4:55 PM, and ended at 5:15 PM, at which time Chairman Anderson adjourned the Session.

Council Member Walker moved to approve the Minutes from the City Council Meeting of October 9, 2007 and Budget Sessions of October 10, 2007 and October 15, 2007.

Yeas	5
Nays	0

APPROVED

Chairman Anderson reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Robins 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:

Jerry Genova	Agenda Items #9 & 11
Ron Anderluh	Equalized tax rates
Russ Petrozzi	Equalized tax rates
Jerry Genova	UseCable revenue for equipment for High School Channel
Russell Franjoine	Historic designation for bank
Robin Stephenson	Property damage by City crews
Matteo Anello	Comments about Council Chairman
Ken Hamilton	Airport Development

The following was RECEIVED AND FILED:  
 Agenda Item #1  
 City Clerk's Report for September, 2007.

The following from the Mayor was RECEIVED AND FILED  
 Agenda Item #2

I hereby appoint Stephen L. Reddy of 2588 David drive, Niagara Falls, NY 14304 to the Plumbing Board for a term expiring December 31, 2008 replacing Henry W. Bryk.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: VITELLO CONSULTING, LOBBYING

Agenda Item #3

RE: Approval of agreement with Vitello Consulting to provide lobbying efforts on behalf of the City.

Attached(on file in City Clerk's Office) please find a proposed Agreement from Vitello Consulting to provide lobbying efforts on behalf of the City with the Congress for the balance of this calendar year.

This would be done at no cost to the City.

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

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

Yeas 5  
Nays 0

APPROVED

COURT HOUSE PROJECT: DEVELOPER COSTS

Agenda Item #4

RE: Approval to pay Invoice #18 in the amount of \$1,486,848.23 for Court house Project for a total to date of \$2,453,752.20

Attached(on file in City Clerk's Office) is Invoice #18 from the Developer for \$1,486,848.23.

Total paid to date is \$2,453,752.20.

Will the Council approve the payment?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: BID#25-07, DCB ELEVATOR COMPANY, INC., MAINTENANCE

Agenda Item #5

RE: Approval of Bid #25-07 with DCB Elevator Company, Inc. for elevator maintenance.

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

TO: DCB Elevator Company, Inc.

PO Box 246

Niagara Falls, NY 14302

FOR: Annual Maintenance of elevators in various City Buildings: \$16,956.00  
Full load weight test: 1,740.00

This is a one (1) year agreement which will renew automatically, annually for four (4) additional years unless either party gives notice of cancellation.

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Two (2) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in various City Departments, Repair to Equipment code: .0444.000.

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

Yeas 5  
Nays 0

APPROVED

VETERANS DAY CEREMONY: TOURISM FUNDS

Agenda Item #6

RE: Approval to use \$1,500 of Tourism funds for expanded Veterans Day Ceremonies.

The City would like to expand its annual Veterans Day Ceremony at Cenotaph Park by having the High School Band, a bugler and sound system which will be arranged through the Fine Arts Program at a cost of \$1,500.

Funds are available from unexpended funds that were budgeted in the Tourism Budget Fund for the Memorial Day Parade.

Will the Council so approve and authorize the Mayor to execute any necessary agreement?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: CAMBRIA CONTRACTING INC., COMMUNITY DEVELOPMENT DEMOLITIONS

Agenda Item #7

RE: Approval of contract with Cambria Contracting Inc. for Community Development demolitions

The following bids were received by the Department of Community Development on October 15, 2007 for the demolition of 20 structures identified on the attached list (on file in City Clerk's office).

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Cambria Contracting	\$354,700
C&R Housing Inc.	\$433,843
Empire Dismantlement	\$463,800
Metro Contracting & Environmental	\$463,870
Mark Cerrone Inc.	\$468,747

It is our recommendation that a contract be awarded to the low bidder, Cambria Contracting Inc, at their base bid amount of \$354,700.

Funding is available in following Budget Codes:

- Community Development Demolition Fund (CDR099) \$190,600
  - Capital Fund (H0710.2007.0710.0449.599) \$164,100
- TOTAL \$354,700

Will the Council vote to award contract CD2007-2 to Cambria Contracting Inc. as described herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5  
Nays 0

APPROVED

COMMUNITY DEVELOPMENT: 2008 ANNUAL PLAN & BUDGET

Agenda Item #8

RE: Approval of adoption of Community Development 2008 Annual plan and Budget.

Attached(on file in City Clerk's Office) is a copy of the proposed 2008 Community Development Budget, including administration and program delivery costs for each program. The proposed budget is part of the City's 2008 Consolidated Annual Plan and Strategy, a HUD mandated planning document that assesses community needs and identifies how the City will address those needs.

The 2008 Annual Plan is the end result of a lengthy and detailed citizen participation process that included neighborhood based meetings designed to encourage comments, suggestions and ideas from various community groups, residents, businesspersons and other interested parties. The planning process began in July and concluded with the expiration of the public comment period on October 19, 2007.

A public hearing was held in the City Council Chambers on September 19, 2007 to review the specifics of the plan and the proposed 2008 budget. A copy of the public hearing minutes and the City's response to comments received during the 30-day comment period are included with this agenda item.

The Department of Community Development will directly administer the federal grant programs listed below. The funding levels indicated are projected revenues for 2008 that may change once Congressional funding appropriations are announced.

Community Development Block Grant	\$2,600,000
CDBG Program Income	605,000
HOME Investment Partnership Program	600,000
HOME Program Income	105,000
Emergency Shelter Grant	110,000
Section 8 Leased Housing Program	3,124,280
<u>PROJECTED FEDERAL REVENUE</u>	<u>\$7,144,280</u>

The Consolidated Plan, including the proposed budgets, must be adopted by City Council and submitted to the U.S. Department of Housing and Urban Development by November 16, 2007. HUD must review and approve the Consolidated Plan in order to establish our letter of credit with the US Treasury. Therefore, Council's approval at this time will represent the officially adopted Community Development, HOME and Emergency Shelter budgets for FY' 2008. The Section 8 Leased Housing Budget is renewed automatically by HUD but must be adopted at this time by City Council.

Will Council vote to so approve the 2008 Annual Plan & Budget and authorize the Mayor to implement all activities specifically identified in the plan? Any activity not specifically identified in the plan will be returned to Council for approval.

Council Member Fruscione moved that the communication be amended to move \$15,000 from demolition line to NFHA's after school reading program

Yeas	5
Nays	0
	APPROVED

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

Yeas	5
Nays	0
	APPROVED AS AMENDED

RESOLUTION: PARKING, 2007-90

Agenda Item#9

Relative to parking

BY: Council Chair Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Lewis Rotella

WHEREAS, with a dwindling population and economically challenged economy, the parking situation in the City of Niagara Falls has not been profitable; and

WHEREAS, the Administration is in the process of issuing an RFP for the operation of all of the City's surface lots and parking ramp; and

WHEREAS, we would also ask the Administration to close the parking ramps in the off season months of January thru March of 2008 in an effort to save monies during the RFP process.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it supports the issuance of an RFP for the operation of the City's parking ramps and surface lots to relieve the City of this economic burden. .

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: 2008 PROPOSED BUDGET PUBLIC HEARING, 2007-91

Agenda Item #10

Relative to holding a Public Hearing on November 5, 2007 on the proposed 2008 Executive Budget

BY: All Council Members

WHEREAS, on October 1, 2007, the Mayor of the City of Niagara Falls duly submitted to the City Council the proposed 2008 Executive Budget for the City of Niagara Falls; and

WHEREAS, pursuant to Section 5.6.a of the Niagara Falls City Charter, this Council shall cause public notice of submission of said Executive Budget to be published together with a copy of a summary of said budget, and notice of the time and place of a public hearing thereon;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls, New York, NOTICE IS HEREBY GIVEN that on October 1, 2007, the proposed 2008 Executive Budget, a summary of which is attached hereto and made a part hereof, was duly submitted to this Council; and

BE IT FURTHER RESOLVED, that a public hearing be held on November 5, 2007 at 7:00 p.m. Eastern Standard Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2008 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: AMENDING CHAPTER 341 OF THE CODIFIED ORDINANCES ENTITLED "Vendors", 2007-92

Agenda Item #11

Relative to amending Chapter 341 of the Codified ordinances entitled "Vendors"

BY: Council Member Samuel Fruscione

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

341.12 Restrictions Applicable to all Vendors

- (a) Stands. Vendors stands shall not:
  - (a) Exceed six (6) feet in length, four (4) feet in width, or four and one-half (4-1/2) feet in height;
  - (b) Impede access to the entrance or driveway of any adjacent building;
  - (c) Occupy more than half of the available sidewalk width or six (6) feet of the width of such sidewalk; whichever is less;
  - (d) Include tents, trailers or tables**
- (g) Motor vehicles. No vendor vending from a motor vehicle shall:
  - (1) Stop, stand or park the vehicle within 100 feet of any intersection, within any other prohibited area, or during prohibited hours.
  - (2) Conduct business in such a way as would increase traffic congestion or delay, constitute a hazard to life or property, interfere with an abutting property owner or obstruct access to emergency vehicles.
  - (3) Conduct business at one location for longer than ten (10) minutes.**
  - (4) Conduct any business in the Downtown Commercial District as defined in the Zoning Ordinances.**
- (h) Vendors utilizing pushcarts or other mobile, non-motorized vending stands or vending from their persons must remain 100 feet from those vendors who have purchased permanent locations and may not vend from any of the locations listed in 341.10(c).
- (i) No vendor shall vend or sell food or beverages on the pedestrian walkway and adjacent sidewalks between Rainbow Boulevard [South] and the Niagara Reservation Park **except after obtaining a vending license pursuant to this ordinance and permission from the City's Licensee.**
- (j) Display any advertising.**
- (k) Vendors with stationary carts in the Pedestrian Mall area between Rainbow Boulevard and Prospect Street shall post their days and hours of operation on the cart.**

Bold and Underlining indicate Additions.

Bold and Brackets indicate [Deletions].

Council Member Fruscione moved to amend resolution by adding tables to Section 341.12(d)

Yeas	5
Nays	0
	APPROVED
Yeas	5
Nays	0
	ADOPTED AS AMENDED

CONTRACT: DE LACY FORD, INC., BID #24-07

Agenda Item #12

RE: Approval of Bid #24-07 with DeLacy Ford, Inc. for Police Car  
We respectfully request you award the above referenced bid as follows:

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

FOR: One (1) 2008 model Ford Crown Victoria Police Car: \$22,961.00  
The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to six (6) vendors. Two (2) bids were received. A bid was also received from Tri-Star Ford McKeesport, Inc. for \$24,386.00.

This vehicle is replacing a police car recently destroyed in an accident. Therefore, \$11,000.00 will come from the insurance reserve fund code: CS1930.7325.0230.000. The remainder of the funds will be transferred within the general fund to account code: A3121.2700.0230.000.

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

Yeas 5  
Nays 0  
APPROVED

INSPECTIONS DEPARTMENT: APPROPRIATION OF COURTHOUSE BOND FUNDS, PLAN REVIEW

Agenda Item #13

RE: Approval to appropriate funds from Courthouse Bond Funds to Inspections to cover overtime for Plan Review.

As the Courthouse Project moves closer to actual construction it is necessary for members of the Inspections Department to review the plans. As this is an extensive and detailed process, it is not possible for this to be done during normal working time. Therefore, it is requested that \$10,000 together with \$765 for FICA be appropriated from Bond Code H0629.2006.0629.0140.000 to the Inspections Department to pay overtime to allow for the plan review.

Any of this sum that is not actually expended would be returned to the Bond Fund.

Will the Council so approve?

Council Member Fruscione 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 Anderson adjourned the Meeting at 7:35 p.m.

Carol A. Antonucci  
City Clerk



OCTOBER 24, 2007

**BUDGET WORK SESSION**

**NIAGARA FALLS, NEW YORK**

The October 24, 2007 Budget Work Session of the Niagara Falls City Council was called to order at 4:23 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella and Charles Walker - 5.

Also present: City Administrator William Bradberry and City Controller Maria Brown.

City Clerk Carol Antonucci spoke on monitoring and enforcing Ordinances that are revenue generating.

John Soro, Operations Foreman in the Department of Public Works, spoke on in-house paving and sidewalk projects. He said that he tries to do an entire area of the City at the same time. The Council Members said that they were impressed with the amount of work that had been done, but that projects on State roads are delayed for many years.

The Department has requests for vehicles and equipment through the Capital Plan.

Council Member Rotella asked about problems with the asphalt recycling machine, and City Administrator William Bradberry and Mr. Soro informed him that the machine was ready for use, and workers had received training in safety issues, and the machine will be used during the winter months. The Department has Policies and Procedures in place for use of the equipment.

A Storeroom Clerk has been requested in the 2008 Budget, as recommended by State Auditors, to work the afternoon shift and be in charge of maintaining an inventory.

Mr. Soro has requested a water-based paint machine for re-striping streets. The current machine cannot be used due to environmental issues.

There being no further business to come before the Council, Chairman Walker adjourned the meeting at 5:20 p.m.

Carol A. Antonucci  
City Clerk

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OCTOBER 29, 2007

**BUDGET WORK SESSION**

**NIAGARA FALLS, NEW YORK**

The October 29, 2007 Budget Work Session of the Niagara Falls City Council was called to order at 4:18 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella - 4.

Absent: Council Member Charles Walker-1

Also present: Sandra Peplow representing the City Controller

Assessor Dominic Penale explained the large increase in his budget was due to a need for a consultant for the Citywide 2009 reassessment which is started in 2008. He explained that his temporary line is for part time temp help for the STAR applications which are reimbursed by the State.

Human Resources Director Joyce Mardon-Serianni explained the need for an additional position due to the volume of work. She also said additional funds are needed to administer the new CPAT test for prospective fireman.

City Planner Tom DeSantis reviewed the many areas covered by his department. He feels the city has not taken seriously the personnel restraints of his office but opted to wait for next years budget process to address this issue. He does have temp monies to cover an intern to assist in the office. He is also requesting monies for a consultant to help develop plans for City Park upgrades.

John Cahill from Management Information Services stated that his budget has decreased due to repair and hardware cost reductions.

The Law Department/Risk Management review will be done Thursday, November 1, 2007 at 4:00 p.m.

There being no further business to come before the Council, Council Member Fruscione moved to go into Executive session at 4:50 p.m.

Carol A. Antonucci  
City Clerk

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OCTOBER 29, 2007

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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October 26, 2007

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 October 29, 2007 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Public Hearing on the Niagara Falls International Airport Terminal
2. Approval of EDPL Proceeding for 915 Cleveland Avenue

Respectfully submitted,

Robert Anderson, Jr., Council Chairman

The October 29, 2007 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Robert Anderson, Jr. at 4:10 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella - 4

Absent: Council Member Charles Walker. - 1

Also present: Mayor Vincenzo V. Anello, Acting Corporation Counsel Damon DeCastro and Sandra Pelpoe representing the City Controller.

Item #1

Relative to public hearing on the Niagara Falls Airport terminal

BY: Council Chair Robert Anderson, Jr.  
Council Member Lewis Rotella

WHEREAS, the Niagara Frontier Transportation Authority is in the process of expanding the Niagara Falls Airport Terminal; and  
WHEREAS, this Council feels it is important to have public input on this matter.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that a public hearing be held at the Council Meeting on November 5, 2007 in the Council Chamber beginning at 7:00 p.m. to allow residents to address this matter; and

BE IT FURTHER RESOLVED, that the City Clerk publish a notice of this public hearing prior to the meeting.

Yeas 4  
Nays 0

ADOPTED

COURT HOUSE PROJECT: 915 CLEVELAND AVENUE

Item #2

RE: City of Niagara Falls vs Kenneth Smith  
Index No. 131226

As the Council, is aware the City has commenced an Eminent Domain Procedure Law proceeding to acquire Mr. Smith's property at 915 Cleveland Avenue for the Courthouse Project.

The parties have reached an agreement on the transfer of title of the property and the value of the property.

Will the Council approve the payment of \$206,000 for the acquisition of the property located at 915 Cleveland Avenue?

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

Yeas 4  
Nays 0

APPROVED

Acting Corporation Counsel Damon DeCastro asked for a short executive session to discuss courthouse contract negotiations and it was decided to proceed with Budget workshop and then move to Executive session.

Following the Budget Workshop Council Member Fruscione moved to go into Executive session at 4:50 p.m.

Yeas 4  
Nays 0

APPROVED

Council Member Fruscione moved to end the executive session at 6:24 p.m.

Yeas 4  
Nays 0

APPROVED

There being no further business to come before the Council, Chairman Anderson recessed the Meeting at 6:24 p.m. until Thursday, November 1, 2007 at 4:00 p.m.

Carol A. Antonucci  
City Clerk



NOVEMBER 1, 2007

**BUDGET WORK SESSION**

**NIAGARA FALLS, NEW YORK**

The November 1, 2007 Budget Work Session of the Niagara Falls City Council was called to order at 4:10 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles walker - 5.

Also present: Acting Corporation Counsel Damon DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Acting Corporation Counsel Damon DeCastro objected to the cut made in the overtime line in the budget for the Law Department. He also noted that all the attorneys in his Department are entitled to larger salaries.

Council Member Robins asked what the lines for Consultant and Outside Consultant would be used for. Mr. DeCastro responded that the Water Board lawsuit would require outside Counsel. In response to Council Member Walker's question about any other pending litigation, Mr. DeCastro anticipates that the Court House and labor issues will also require outside Counsel.

Deputy Corporation Counsel Thomas O'Donnell, who serves as Acting Risk Manager, noted that the Safety Officer had been removed from the Budget. The City has retained the services of PERMA to act as a consultant on safety issues, and Mr. O'Donnell felt that the cost was about the same as the Safety Officer position.

Chairman Anderson adjourned the Session at 4:30 PM at which time they went into an NFC meeting.

Following the NFC meeting, the Council went into Executive Session to discuss Courthouse litigation. The session began at 4:45 p.m. and ended at 6:00 p.m.

Carol A. Antonucci  
City Clerk

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NOVEMBER 5, 2007

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The first session of the November 5, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of October 22, 2007 and Budget Work Sessions of October 17, 2007, October 23, 2007 and October 24, 2007.

Yeas	5
Nays	0

APPROVED

In his Administrative Update, City Administrator William Bradberry addressed concerns from the Council Members:

Council Member Robins asked about the status of parking meters, and Ralph Aversa responded that there are matters relating to the meters that are still unresolved. A representative of the company owning the meters will attend the next Council Meeting to respond. City Controller Maria Brown noted that parking revenues in the 2008 Budget are conservative.

Council Member Robins also inquired about an RFP for the City's parking ramp and surface lots. Mayor Vincenzo Anello informed him that the Administration is in discussions with developers for the sale of the ramp and lots.

Council Member Fruscione noted the additional amount of funds that the Council had appropriated for demolitions, and the Mayor said that there is a process that needs to be followed before the demolitions are done, and the process is in place.

Council Member Rotella asked about the status of the Court House, and the Mayor said that the final contract is still being worked on.

Council Member Robins asked the Administrator about the status of the residency compliance for City employees, and Mr. Bradberry informed him that 4 employees have not responded, and he is working with the Human Resources Director to schedule hearings.

Council Member Robins asked City Engineer Robert Curtis about the status of the Lewiston Road Project. Mr. Curtis said that the project is still scheduled for the actual work to begin in late March or early April of 2008.

Chairman Anderson inquired about road repair projects for Buffalo Avenue, 72<sup>nd</sup> Street and 77<sup>th</sup> Street. Mr. Curtis responded that there are issues coordinating the work on Buffalo Avenue with the DOT, but the full construction is scheduled for 2010. A full dig on 77<sup>th</sup> Street should be done next year using CHIPS funds that are in reserve. 72<sup>nd</sup> Street is scheduled for a full reconstruction in 2010.

Mayor Anello noted that the asphalt plant has closed for the season, but City crews are able to do 2 ½ times the number of street repairs using the new recycling machine.

Carmen Granto, an NFTA Commissioner, and William Vanecek, Director of Aviation for the NFTA, gave a presentation on the new terminal at the Niagara Falls International Airport. A December 2007 groundbreaking is planned.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of three Items to be added to the Agenda:

1. A communication relative to awarding the contract for the rehabilitation of the Lockport Street Bridge.  
Council Member Robins 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 #10.

2. A communication relative to approval of an Intermunicipal Agreement with Niagara County for Firehouse Generator Installation.  
Council Member Fruscione 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.

3. A Resolution relative to signage for the Haunted House of Wax.  
Council Member Fruscione 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 #12.

This Session ended at 5:00 PM

Chairman Anderson reconvened the Meeting at 7:02 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Robins and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Anderson announced a Special Order of Business, a Public Hearing on the Mayor's Proposed 2008 Budget. The City Administrator and the City Controller were present for this Public Hearing and the following spoke:

Geri Mitro	Plant more flowers around the City
Ron Anderluh	Tax rate equalization
Valerie Martin	Make City better for children

Chairman Anderson announced a second Special Order of Business, a Public Hearing relative to the Niagara Falls Airport terminal and asked if there were any speakers relative thereto. The following spoke:

Carmen Granto	Thanked Mayor and Council for their cooperation
Ken Hamilton	Get second consultant for another design
Daryl Bodewes	Will bring work for Union Carpenters
Chris Stone	Will bring work for Niagara County Building trades
Rick Williams	Move forward with new terminal

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

Jerry Genova	Agenda Item #12
Ken Hamilton	Agenda item #2
Bishop Stephan Booze	Recreation opportunities for children
Rev. Rex Stewart	Recreation opportunities for children
Noreen Chatmon	Recreation opportunities for children
Mary Sutter	Recreation opportunities for children
Russ Franjoine	Bank building development

The following from the City Clerk's Office was RECEIVED AND FILED:

Agenda Item #1

Please be advised that Local Law #6 for 2007, relative to amending the City Charter as amended, by adding Section 201-D entitled "Residential/Commercial Urban Exemption" to Article VIII of the Charter entitled "Taxation and Assessment" adopted by City Council on September 24, 2007 and duly approved by Mayor Vincenzo V. Anello on October 2, 2007 was received and filed by the New York State Department of State on October 9, 2007

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

712 CEDAR AVENUE: TO FAMILY & CHILDREN'S SERVICE

Agenda Item #2

RE: Approval to donate/transfer 712 Cedar Avenue to Family and Children's Service of Niagara, Inc.

The 712 Cedar Avenue lot is approximately 35.4 X 124 on the north side of Cedar Avenue. The property is "improved" by a dilapidated 3 family structure. The City is in the process of demolishing the structure. 712 Cedar Avenue is included in the current demolition bid (CD 2007-2) approved by Council on October 22. The City owns the property and has no plans for use of the property after demolition.

Family & Children's Services owns and operates facilities in the adjacent property at 710 Cedar Avenue and at 722 Cedar Avenue. Family & Children's Services has requested that the City donate 712 Cedar Avenue to it once demolition is complete. Family & Children's Services will devote the property to recreational use for the residents of its facilities.

Family & Children's Service has a long history of admirable operation of worthy projects. Their properties are all well-maintained. They can be counted on to devote this property to a worthy use, and to maintain the property to a high standard.

On October 10, 2007, the Planning Board voted to recommend that Council approve the donation of this site by the City. The recommendation of the Planning Board is attached hereto.

Will the Council vote to find it is in the interest of the City to dispense with offering this property at public auction, to approve the donation/transfer of 712 Cedar Avenue to Family & Children's Service of Niagara, Inc. as set forth herein, and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas  
Nays

5  
0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY CORPORATION COUNSEL

Agenda Item #3

RE: Approval to pay claim of Kim Roberts in the amount of \$876.45.

RE: Kim Roberts vs. City of Niagara Falls

Date of Accident: June 11, 2007

The above claimant has incurred medical expenses for personal injuries suffered by her when, while a pedestrian, she was struck by a police vehicle owned by the City of Niagara Falls, New York. The driver of the police vehicle was Officer Charles Fink.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

Provider	Date of Service	Amount
Niagara Orthopaedic	June 12, 2007	\$779.34
Niagara Orthopaedic	September 17, 2007	97.11
Total		\$876.45

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Council Member Fruscione 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

Agenda Item #4

RE: Approval to override Mayor's Veto of Ordinance Amendment to Chapter 341 of Codified Ordinances entitled "Vendors"

At the Council Meeting of October 22, 2007, Council approved Resolution 2007-92, relative to amending Chapter 341 of the Codified Ordinances entitled "Vendors".

On October 23, 2007, Mayor Vincenzo V. Anello vetoed this Ordinance amendment.

Does the Council wish to override the Mayor's veto of this Ordinance Amendment?

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

Yeas

0

Nays

5

DEFEATED

MAYOR'S VETO STANDS

RESOLUTION: MAIN STREET BUSINESS AND PROFESSIONAL ASSOCIATION ANNUAL DINNER, 2007-94

Agenda Item #5

Relative to the Main Street Business and Professional Association Annual Dinner

BY: All Council Members

WHEREAS, on November 16, 2007, the Main Street Business and Professional Association is having their annual Awards Dinner; and

WHEREAS, **Whatever's Clever** will be honored as the Business of the Year; and

WHEREAS, **Dr. Robert Gedeon** will be honored as the Business Person of the Year; and

WHEREAS, **Tony Rick** will be the recipient of the George Kurtzman Award; and

WHEREAS, **George Grasser** will be the recipient of the President's Distinguished Service Award; and

WHEREAS, **Dr. Maria Crea** will be the recipient of the Michael Brundidge Community Service Award; and

WHEREAS, **Max Coykendall, Esq.** will be the recipient of the Special Recognition Award; and

WHEREAS, **Williamson Funeral Home** will be the recipient of the Beautification Award; and

WHEREAS, **Stephanie Marino, Diane O'Callaghan, Kevin Cottrell, Charles Walker, and The DeMarco Group** will be the recipients of Main Street's Angel Awards.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of Main Street Business and Professional Association's Business and Community Service Awards.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: AMENDING CHAPTER 341 OF THE CODIFIED ORDINANCES ENTITLED  
"VENDORS", 2007-95

Agenda Item #6

Relative to amending Chapter 341 of the Codified Ordinances entitled  
"Vendors"

BY: Council Member Samuel Fruscione

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

341.12 Restrictions Applicable to all Vendors

(a) Stands. Vendors stands shall not:

(a) Exceed six (6) feet in length, four (4) feet in  
width, or four and one-half (4-1/2) feet in  
height;

(b) Impede access to the entrance or driveway of  
any adjacent building;

(c) Occupy more than half of the available sidewalk  
width or six (6) feet of the width of such  
sidewalk; whichever is less;

**(d) Include tents or trailers.**

(g) Motor vehicles. No vendor vending from a motor  
vehicle shall:

(1) Stop, stand or park the vehicle within 100 feet  
of any intersection, within any other  
prohibited area, or during prohibited hours.

(2) Conduct business in such a way as would  
increase traffic congestion or delay,  
constitute a hazard to life or property,  
interfere with an abutting property owner or  
obstruct access to emergency vehicles.

**(3) Conduct business at one location for longer  
than twenty (20) minutes.**

**(4) Conduct any business in the Downtown Commercial  
District as defined in the Zoning Ordinances.**

(h) Vendors utilizing pushcarts or other mobile, non-  
motorized vending stands or vending from their  
persons must remain 100 feet from those vendors who  
have purchased permanent locations and may not vend  
from any of the locations listed in 341.10(c).

(i) No vendor shall vend or sell food or beverages on the  
pedestrian walkway and adjacent sidewalks between  
Rainbow Boulevard [South] and the Niagara Reservation  
Park **except after obtaining a vending license  
pursuant to this ordinance and permission from the  
City's Licensee.**

**(j) Display any advertising.**

**(k) Vendors with stationary carts in the Pedestrian Mall area  
between Rainbow Boulevard and Prospect Street, and along  
Old Falls Street between First and Third Streets, shall  
post their days and hours of operation on the cart.**

Bold and Underlining indicate **Additions.**

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

Yeas  
Nays

5

0

ADOPTED

RESOLUTION: BUDGET RESOLUTION MEETING SCHEDULE, 2007-96

Agenda Item #7

Relative to the budget resolution Meeting Schedule

BY: Council Chair Robert Anderson, Jr.

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it hereby schedules Budget Resolution Meetings to commence at 4:00pm in the Council Chambers on :

November 13, 15 and 27

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: WORLD DIABETES DAY, 2007-97

Agenda Item #8

Relative to World Diabetes Day

BY: All Council Members

WHEREAS, on November 14, 2007 Niagara Falls Memorial Medical Center alongside hundreds of people with diabetes, their families, professionals involved in diabetes healthcare and supportive members of the surrounding community, will collaborate to recognize and celebrate World Diabetes Day by hosting the event "Niagara Falls in Blue, Marching Toward a Healthier You"; and

WHEREAS, World Diabetes Day was composed by the World Health Organization and the International Diabetes Federation in order to promote diabetes care, prevention, and a cure worldwide; and

WHEREAS, in designating a World Diabetes Day, the United Nations calls on Member States and other organizations to observe World Diabetes Day in an appropriate manner, in order to bring together the global diabetes community in a collaborative effort to reach these common goals; and

WHEREAS, 20.8 million people - 7% of the population - have diabetes; 14.6 million people are diagnosed, 6.2 million people are undiagnosed, and there are at least 54 million people with pre-diabetes. Worldwide more than 246 million people have diabetes.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York recognizes and observes with those gathered on this day, November 14, 2007 the efforts and noteworthy goals of the First Annual World Diabetes Day, and on behalf of the fine citizens of Niagara Falls, New York express our gratitude to Niagara Falls Memorial Medical Center, the Diabetes and Endocrinology Center of Niagara and the American Diabetes Association of Western New York for their contributions to improving diabetes awareness, advocacy, and health care in Western New York and beyond.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: STATE AID FOR RECREATION AND YOUTH SERVICES, 2007-98

Agenda Item #9

Relative to authorization for project application for State Aid for recreation and youth services

BY: All Council Members

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

Yeas 5  
Nays 0

ADOPTED

CONTRACT: OAKGROVE CONSTRUCTION CO., INC., LOCKPORT STREET BRIDGE

Agenda item #10

Approval of contract with Oakgrove Construction Co., Inc. for rehabilitation of Lockport Street Bridge.

LETTER OF AWARD FOR REHABILITATION OF LOCKPORT STREET BRIDGE OVER CSX RAILROADS  
**PIN 5754.61**

The following was the result of bids received on October 2, 2007, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Oakgrove Construction Co., Inc.	\$ 6,260,586.00
P.O. Box 103	
Elma NY 14059	
CATCO	\$ 8,131,890.50

It is the recommendation of the undersigned that this project be awarded to the low bidder Oakgrove Construction, Inc., at their Base Bid of \$6,260,586.00. Funding is available in Code H0499.0099.0499.0300.000.

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: INTERMUNICIPAL AGREEMENT WITH NIAGARA COUNTY, FIREHOUSE GENERATORS

Agenda Item #11

Approval of Intermunicipal Agreement with Niagara County to pay for emergency generators at city Firehouses.

As the Council is aware, the City through the County of Niagara, has received a New York Homeland Security Grant to install emergency generators at each of the City Firehouses.

In order to fully implement the Agreement to pay for the installation of the generators and the initial rental of the propane equipment it is necessary for the City and County to enter into an Intermunicipal Agreement.

Will the Council approve the entry into an Agreement and authorize the Mayor to sign an Agreement in a form acceptable to the Corporation Counsel.

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: HAUNTED HOUSE OF WAX, SIGNAGE, 2007-99

Agenda item #12

Relative to signage at the Haunted House of wax

BY: Council Chair Robert Anderson  
Council Member Samuel Fruscione  
Council Member Lewis Rotella

WHEREAS, the Haunted House of Wax, located at 222 Rainbow Blvd. South would like to install new signs at the frontage that faces Rainbow Blvd. South; and

WHEREAS, the existing sign will be removed and a new 3' by 10' sign cabinet and a 24'h 8' x 12' deep pirate figure will be installed. Both will be internally illuminated and will be installed flush mount to the front of the building; and

WHEREAS, this attraction will be an asset to the tourism industry and will attract people to the downtown area in the City of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it supports this project and allows the owner to erect the signs and apply for the necessary City permits to move this project forward.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: NIAGARA FALLS INTERNATIONAL AIRPORT, 2007-100

Agenda item #13

Relative to supporting a new terminal at the Niagara Falls International Airport

BY: All Council Members

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it hereby supports the Niagara Frontier Transportation Authority's plans to build a new terminal at the Niagara Falls International Airport.

Council Member Robins moved to add the Resolution to the agenda at this time.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The Resolution added as agenda item #13.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Anderson adjourned the Meeting at 7:55 p.m.

Carol A. Antonucci  
City Clerk



NOVEMBER 13, 2007

**BUDGET WORK SESSION**

**NIAGARA FALLS, NEW YORK**

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The November 13, 2007 Budget Work Session of the Niagara Falls City Council was called to order at 4:40 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson Jr., Samuel Fruscione, Chris Robins, Lewis Rotella, Charles Walker - 5.

Also present: Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

The Council adopted 44 Budget Amendment Resolutions.

There being no further business to come before the Council, Chairman Anderson adjourned the meeting at 5:00 p.m.

Carol A. Antonucci  
City Clerk

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NOVEMBER 15, 2007

**BUDGET WORK SESSION**

**NIAGARA FALLS, NEW YORK**

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The November 15, 2007 Budget Work Session of the Niagara Falls City Council was called to order at 4:30 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson Jr., Council Members Samuel Fruscione, Chris Robins, Charles Walker-4

Absent: Council Member Louis Rotella-1

Also present: Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

The Council adopted 3 Budget Amendment Resolutions.

There being no further business to come before the Council, Chairman Anderson adjourned the meeting at 4:33 p.m.

Carol A. Antonucci  
City Clerk

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NOVEMBER 19, 2007

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the November 19, 2007 Niagara Falls City Council Meeting was called to order by Council Member Chris Robins at 4:05 p.m. in the Council Chambers.

Present: Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 4.

Absent: Council Chairman Robert Anderson, Jr.-1

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Fruscione moved to approve the Minutes from the City Council Special Meeting of October 29, 2007, Regular Meeting of November 5, 2007 and Budget Work sessions of October 29, 2007 and November 1, 2007.

Yeas

4

Nays

0

APPROVED

In the absence of Chairman Anderson, Council Member Robins conducted the Session.

Fred Mitschele, President and CEO of Photo Violation Technologies Corp., answered the Council Member questions on the parking meters. He said that the meters now accept credit cards. He also spoke on problems with the meters: issues with National Grid prevented getting electricity to operate some of the meters, and the vendor provided battery backup at no charge to the City; concrete bases for the meters were not provided by the City, and the vendor provided the materials and installation of the bases at no cost to the City. Council Member Rotella asked for a true cost of the meters, and Mr. Mitschele approximated it to be \$1,000 for each meter, but said his company was willing to negotiate with the City. City Administrator William Bradberry reminded the Council that the trial period for the meters would end in December, and suggested that the Council extend the trial period while requesting the Corporation Counsel to review the contract. City Controller Maria Brown will prepare a true cost analysis of the meters after she receives the data she needs from the vendor. Mayor Anello added that there are areas that do not have parking meters, and the 2 hour parking limit is not enforced. Council Member Robins recommended getting input from the new Administration before taking action on the meters.

In his Administrative Update, Mayor Anello noted that there were Union contracts on the Agenda for Council approval, but one Steelworkers Unit had not brought the City's proposal to the membership for discussion. He also spoke about the groundbreaking for the Hope VI Project, and amount of money invested in other North End projects, which, in turn, will spin off into the economy.

There were four Items to be added to the Agenda:

1. A communication to approve a change order to the Asbestos Services Contract.

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

Yeas

4

Nays

0

MOTION TO ADD COMMUNICATION AGENDA APPROVED

The communication was added to the Agenda as #16.



THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT AMENDMENT: BUCKLE UP NEW YORK

Agenda Item #3

RE: Approval to amend the Buckle Up New York Agreement to reflect Grant funds of \$13,440 received by the Police department.

The Police Department has received a Grant in the amount of \$13,440 for the period October 1, 2007 to September 30, 2008 under the above referenced Program. There is no local match required.

Will the Council so approve and authorize the Mayor to execute an amendment to the existing agreement to reflect the additional term and amount?

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

Yeas

4

Nays

0

APPROVED

COURT HOUSE PROJECT: DEVELOPER COSTS

Agenda Item #4

RE: Approval to pay Invoice #19 in the amount of \$418,678.94 for Court House Project for a total to date of \$3,740,600.43.

Attached(on file in City Clerk's Office)is Invoice #19 from the Developer for \$418,678.94.

Total paid to date is \$3,740,600.43.

Will the Council approve the payment?

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

Yeas

4

Nays

0

APPROVED

CONTRACT: STEELWORKERS LOCAL 9434-00

Agenda Item #5

RE: Approval of 2005-2008 Collective bargaining Agreement with the Steel Workers Local 9434-00.

Enclosed(on file in City Clerk's Office)please find the proposed Memorandum of Agreement between the United Steelworkers of America Local 9434-00 and the City of Niagara Falls

Will the Council so approve?

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

Yeas

4

Nays

0

APPROVED

CONTRACT: UNIFORMED FIREFIGHTERS LOCAL 714

Agenda Item #6

RE: Approval of 2004-2007 Collective bargaining Agreement with Uniformed Firefighters Local 714.

Enclosed(on file in City Clerk's Office)please find the proposed Collective Bargaining Agreement between the Uniformed Firefighters Local 714 and the City of Niagara Falls

This Agreement is a compilation of the Contract that expired in 2003 and the Memorandum of Agreement 2004-2007. It does not alter or amend any provision currently in effect.

Will the Council so approve?

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

Yeas

4

Nays

0

APPROVED

CONTRACT: NIAGARA COUNTY BUILDING TRADES

Agenda Item #7

RE: Approval of 2005-2008 Collective bargaining Agreement with the Niagara County Building Trades.

Enclosed(on file in City Clerk's Office)please find the proposed Collective Bargaining Agreement between the Niagara County Building Trades and the City of Niagara Falls

This Agreement is a compilation of the Contract that expired in 2004 and the Memorandum of Agreement 2005-2008. It does not alter or amend any provision currently in effect.

Will the Council so approve?

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

Yeas

4

Nays

0

APPROVED

CONTRACT: NIAGARA GENERATION LLC

Agenda Item #8

RE: Approval of Agreement with Niagara Generation LLC for wood waste.

Niagara Generation LLC has acquired the co-generation facility located at 5300 Frontier Avenue and is in the process of converting it into a plant that relies on wood waste and/or biomass waste streams for fuel.

In order to meet its fuel supply, it is seeking agreements with area municipalities to acquire their waste wood, such as forestry cuttings.

In addition, Niagara Generation wishes to use the area off of Porter Road where the City currently stores its wood waste as a location to temporarily store and grind wood waste it acquires from the City and other suppliers.

The proposed agreement is attached.

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

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

Yeas

4

Nays

0

APPROVED

CONTRACT: NIAGARA COUNTY

Agenda Item #9

RE: Approval of Inter-Municipal Agreement with Niagara County for bridge washing.

The County is administering an appropriation of Federal highway funds for bridge washing.

The City's share of the cost for washing the 20 bridges in the City would be \$8,000 (20% of the cost). In order to effectuate this, an inter-municipal agreement with the County of Niagara is required to reflect that the City will pay its share of this cost.

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

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

Yeas

4

Nays

0

APPROVED

FUND APPROPRIATIONS: TOURISM AND FUND BALANCE

Agenda Item #10

RE: Approval of fund appropriations from Tourism to Celebrations and Fund balance to Forestry and Parking and Ramps Lines.

Attached(on file in City Clerk's Office)is a memo from the Neighborhood Services Manager outlining requests for additional funds in the Celebrations forestry and parking areas. .

It is requested that the Council appropriate \$10,334.00 from the Tourism Fund to be transferred to the Celebrations lines as indicated and \$20,000.00 from Fund Balance to be appropriated to the forestry lines as indicated and \$22,703.00 from Fund Balance to the parking and ramps lines as indicated.

Will the Council so approve?

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

Yeas

4

Nays

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY TRAFFIC ADVISORY COMMISSION

RECEIVED AND FILED

Agenda Item #11

At the Traffic Advisory Commission meeting held on November 8, 2007, the Commission **DENIED** the following items:

1] Request submitted by Phyllis Fasciano, 2109 Pine Avenue to **INSTALL A TRAFFIC SIGNAL AT THE INTERSECTION OF PINE AVENUE & 21<sup>ST</sup> STREET**. The Commission advises that the installation of a traffic signal would not be appropriate. The intersection was studied, with the following results: Right-angle accidents - 2003/0, 2004/1, 2005/1, 2006/1, 2007/0 (to date). Although high traffic volumes exist on Pine Avenue, extremely low volumes were counted on 21<sup>st</sup> Street which is one way northbound and T's at Pine Avenue. This intersection falls short of the eleven different NYSDOT MUTCD minimum warrants for installation of a traffic signal. In addition, the cost for the design and installation of the signal could run anywhere from \$65,000 to \$75,000 which the City of Niagara Falls would have to allocate.

2) Request submitted by Dr. Norschenia W. Payne, First Lady, Christ Redemption Tabernacle, 2002 Forest Avenue to **INSTALL ALL-WAY STOP SIGNS AT THE INTERSECTION OF FOREST AVENUE & 20<sup>TH</sup> STREET**. The intersection was studied with the following results: Right-angle accidents - 2001/0, 2002/0, 2003/1, 2004/0, 2005/0, 2006/1, 2007/1 (to date). In addition, the low traffic volume and pedestrian crossings (Forest Avenue: 169/vehicles, 3/pedestrians per hour and 20<sup>th</sup> Street: 25 vehicles, 1/pedestrian per hour) indicates that this intersection falls far short of the NYSDOT MUTCD minimum warrants for placement of this type of signage. Thomas Miklejn said he will stripe crosswalks during painting season and in response to complaints of speeders, will ask Police Traffic Captain Pino to place radar at this location.

3) Request submitted by Holly Ortman, USA Niagara Development Corporation, on behalf of residents in the area to **INSTALL "ALL WAY" STOP SIGNS AT THE INTERSECTION OF BUFFALO AVENUE & 4<sup>TH</sup> STREET**. This item was tabled at the July 11, 2007 meeting due to allow a trial period to implement various safety measures. Per Thomas Miklejn, the following have been implemented with successful results: 1) "STOP AHEAD" sign exiting the Parkway; (2) tree trimming in advance of stop signs (north & southbound); (3) speed limit signs on Buffalo Ave.; (4) radar on Buffalo Ave. by NFPD/Traffic Division; and (5) crosswalk & stop bar pavement markings. Per the traffic study conducted in July, this intersection fell far short of the NYSDOT MUTCD minimum warrants for this type of signage.

The following request was **TABLED**:

1) Request submitted by James Galie, Jr., 2918 Jerauld Avenue and Petition/Residents of Block to **INSTALL ALTERNATE OVERNIGHT PARKING ON JERAULD AVENUE BETWEEN 29<sup>TH</sup> STREET & 32<sup>ND</sup> STREET**. Per the petition submitted by Mr. Galie, only eight signatures (33%) were submitted. He was advised by Mr. Miklejn that more signatures would be required, but no reply was received before the meeting, therefore, the Board tabled this request.

\*\*\*\*Council Member Robins suggested that Lady Dobbs request a copy of the Traffic Study that recommended denial of all-way stop signs at Forest Avenue & 20<sup>th</sup> Street.

HANDICAP ACCESS: 2728 WOODLAWN AVENUE

Agenda Item #12

RE: Approval to install a 5" handicapped access space in front of 2728 Woodlawn Avenue.

At the Traffic Advisory Commission meeting held on November 8, 2007, the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2728 WOODLAWN AVENUE

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

Submitted By: Cecelia Alati, 2728 Woodlawn Avenue

It is requested that City Council approve this recommendation.

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

Yeas 4

Nays 0

APPROVED

HANDICAP ACCESS: 1885 WILLOW AVENUE

Agenda Item #13

RE: Approval to install a 5' handicapped access space in front of 1885 Willow Avenue.

At the Traffic Advisory Commission meeting held on November 8, 2007, the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 1885 WILLOW AVENUE

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

Submitted By: Mary McConnaghy, 1885 Willow Avenue

It is requested that City Council approve this recommendation.

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

Yeas 4

Nays 0

APPROVED

RESOLUTION: STREET ABANDONMENT PUBLIC HEARING, 2007-101

Agenda Item #14

Relative to calling for a public hearing for street abandonment between Cleveland Avenue and South Avenue, East of Main Street and a portion of South Avenue between Main Street and Tenth Street.

BY: All Council Members

WHEREAS; the City's Public Safety Complex will be built in the area between Main and Tenth Streets and Cleveland and Michigan Avenues; and

WHEREAS, the approved site plan calls for the abandonment of the alley running north/south between Cleveland and South Avenues and sometimes known as South Avenue Place, and a portion of South Avenue commencing at a point 175.2 feet west of the west street line of Tenth Street to the west street line of Tenth Street; and

WHEREAS, this Council declares its intention to abandon said alley and said street part.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that a Public Hearing be held relative to the abandonment of the aforementioned alley and street portion, said Public Hearing to be held at a meeting of the Council to be held in the Council Chambers in City Hall on December 3, 2007 at 7:00 p.m. Eastern Standard Time, and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said alley and street portion in the official newspaper, once a week for two successive weeks, preceding December 3, 2007.

Yeas 4

Nays 0

ADOPTED

RESOLUTION: NEW YORK INDEPENDENT SYSTEM OPERATOR, INC., 2007-102

Agenda Item #15

Relative to agreement with the New York Independent System Operator, Inc.

BY: All Council Members

Whereas, the City is receiving electrical power as part of its relicensing settlement with the New York Power Authority; and

Whereas, the City has previously applied to sell this power through the New York Independent System Operator.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that the City Council hereby finds that it is in the public interest of the citizens of the City for the City to participate in energy markets administered by the New York Independent System Operator, Inc. ("NYISO"). Therefore, the City Council does hereby authorize and direct the Mayor to execute any and all agreements or other documentation reasonably required to transact business in NYISO-administered energy markets on behalf of the City and to comply with all requisite obligations under such agreements or documentation.

Yeas 4  
Nays 0

ADOPTED

CONTRACT: ASBESTOS SERVICES, CHANGE ORDER #2

Agenda Item #16

Approval of Change Order #2 to Asbestos Services contract by extending term and increasing the maximum amount by \$60,000.

Stohl Environmental LLC has been the City's asbestos services consultant for several years, performing project site surveys and conducting air monitoring analysis relative to all Community Development funded demolition projects. The referenced contract was awarded to Stohl Environmental on January 30, 2006 in the amount of \$146,200, and amended through Change Order #1 to a revised total of \$196,200.

The first demolition contract of 2007 is nearing completion, resulting in the removal of 26 blighted structures throughout the City. A second contract was recently awarded by City Council for the demolition of an additional 20 properties. In order to provide the required asbestos monitoring services for this project, we are requesting that City Council award a change order in the amount of \$60,000 to Stohl Environmental LLC and extend the contract expiration date to December 31, 2008. The amount requested should be sufficient to cover all asbestos monitoring work related to both demolition contracts.

The Department of Community Development will solicit bids in 2008 for the continuation of these required services in anticipation of new demolition contracts to be awarded in 2008 and 2009.

It is our recommendation that Change Order #2 to Asbestos Services Contract 2006-2007, extending the contract term to December 31, 2008 and increasing the maximum contract amount by \$60,000 be approved by City Council. Funding is available in Community Development Budget Code CDR099.

Will the Council vote to so approve the change order and authorize the Community Development Project Administrator to effectuate same

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

Yeas 4  
Nays 0

APPROVED

CONTRACT: AMIDEE HOTELS AND RESORTS, PARKING

Agenda Item #17

Approval to allow Amidee Hotels and Resorts to license 80 parking spaces in the City lot at First and Buffalo Avenue for a fee of \$3,000 per month.

Attached(on file in City Clerk's Office)is a request from the Amidee Hotels and Resorts which recently purchased the Hotel Niagara to license eighty (80) of the parking spaces in the City lot at First and Buffalo Avenue at a cost of \$3,000 per month for a term of three (3) years with an option to renew for an additional three (3) year period if mutually agreed.

Any cost for marking spaces will be borne by the Hotel.

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

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

Yeas	4
Nays	0

APPROVED

RESOLUTION: SGT. STEVEN C. GANCZEWSKI, 2007-103

Agenda Item #18

Relative to honoring the Memory of Sgt. Steven C. Ganczewski

BY: All Council Members

WHEREAS, word was received on Friday, November 16<sup>th</sup>, 2007 that Sgt. Steven C. Ganczewski, 22, of Niagara Falls, New York, died in Balad, Iraq. He was assigned to the 3<sup>rd</sup> Battalion, 75<sup>th</sup> Ranger Regiment in Fort Benning, Ga. The Department of Defense stated that he died from wounds suffered from a combat-related incident; and

WHEREAS, Steven was a 2003 graduate of Niagara Falls High School who excelled at football, cross country and wrestling. In four years in the military, Steven served five tours of duty in Iraq and one in Afghanistan. He was an Army Ranger and received numerous military awards and decorations including the Afghanistan Campaign Medal, the National Defense Medal, the National Defense Service Medal and the Iraq Campaign Medal. He was posthumously awarded the Meritorious Service Medal and the Bronze Star; and

WHEREAS, Steven is survived by his wife, Rachel, 22, an Army heavy equipment operator; and a daughter, Makayla, two years old. He is also survived by his parents, Mark and Maria Ganczewski and a brother, Christopher who is 17 years old and a senior at Niagara Falls High School; and

WHEREAS, Steven served one tour of duty in Afghanistan and was on his fifth tour of duty in Iraq when he died while on a mission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that we hereby honor the memory of Sgt. Steven Ganczewski, a native of the City of Niagara Falls, New York, and send condolences to his family and friends.

Yeas	4
Nays	0

ADOPTED

RESOLUTION: NIAGARA RIVER GREENWAY & NIAGARA COUNTY ENVIRONMENTAL FUND  
PROJECT, 2007-104

Agenda Item #19

Relative to the Niagara River Greenway and Niagara County Environmental  
Fund Project

BY: All Council Members

**WHEREAS**, An exciting educational enterprise designed to preserve, protect and restore the unique scenic natural landscapes in Niagara Falls, create jobs, expand ecotourism and economic development opportunities is the focus of a Niagara River Greenway grant proposal by the Niagara Beautification Commission, the Niagara Frontier Wildlife Habitat Council and over 30 grassroots organizations; and

**WHEREAS**,

1. **Botanical Garden - located at DeVeaux Woods**, with native plant regeneration at the Niagara Reservation State Park. This project is already underway under the direction of a renowned botanist to restore the scenic natural landscape that astonished Frederick Olmsted Sr. and the Native American explorers.  
**Preservation and restoration of the old growth forest centered at DeVeaux Woods State Park and expanded to include other state parks in the lower Niagara River.**
2. **The creation of an Olmsted School of Landscape Design at DeVeaux Woods State Park.** Students in this college degree program would intern at local parks with hands-on knowledge of horticulture, forestry, and related fields of study. An institution for higher learning would offer this degree program.  
**Community outreach programs will be made available to the public in native plants, natural landscape design.**
3. **A voluntary training program open to all of Western NY Parks employees to learn the best practices for maintenance of area parks, and other greenspaces and an opportunity to earn credits for promotion through a salary step program resulting in a highly-trained professional Parks Department.** This system is an adaptation of the Ontario Parks system currently used in Canada.
4. **An influx of tourists interested in the unique scenic natural landscapes found only along the Niagara River would result in further economic development through the promotion of ecotourism; and**

**WHEREAS**,

**Funding Sources:**

The New York State Office of Parks, Recreation & Historic Preservation will take a major role in improving a building at DeVeaux Woods for reuse by the School of Landscape Design. Funding sources other than State Parks include the New York State Power Authority, the Seneca Nation, the National Heritage Area, the Niagara County Environmental Fund, and grants from local foundations. Many grassroots groups will provide in-kind service for these vital projects.

**NOW THEREFORE BE IT RESOLVED**, that the Niagara Falls City Council supports this project.

Yeas

4

Nays

0

ADOPTED

There being no further business to come before the Council, Acting Chairman Robins adjourned the Meeting at 7:15 p.m.

Carol A. Antonucci  
City Clerk



NOVEMBER 27, 2007

**BUDGET WORK SESSION**

**NIAGARA FALLS, NEW YORK**

The November 27, 2007 Budget Work Session of the Niagara Falls City Council was called to order at 4:12 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles Walker - 5.

Also present: Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

The Council adopted 6 Budget Amendment Resolutions.

Library Director Betty Babanoury asked for additional funds in the Library Budget for part time positions. The Council Members recommended that she bring her concerns to the new Administration, and noted that a contingency fund had been created for the new Administration to use as they see fit.

Steelworkers Union President Jim Anthony expressed his concerns about the position of a Union member that had been transferred to the Human Resources Department.

RESOLUTION ADOPTING THE 2008 PROPOSED EXECUTIVE BUDGET WITH AMENDMENTS AND DIRECTING TRANSMISSION OF THE SAME TO THE MAYOR

RESOLUTION 2007-105

BY: Council Member Samuel Fruscione  
Council Member Chris Robins  
Council Member Lewis Rotella  
Council Member Charles Walker  
Council Chairman Robert Anderson, Jr.

WHEREAS, on October 1, 2007, the Mayor duly presented this Council with the Proposed Executive Budget for 2008, including a capital plan; and

WHEREAS, the required public hearing on said proposed executive budget was held on November 5, 2007, at which the Council, the Mayor, the City Administrator and the City Controller were present, notice of which was published on October 27, 2007; 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, 2007;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls, New York, that the Proposed Executive Budget for 2008 is hereby adopted as amended, which amendments, identified as budget resolutions numbers 1 through 53 inclusive, Numbers 44 and 52 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, 2007; and be it further

RESOLVED, that in the event that the Mayor shall approve all of the aforesaid amendments to the executive budget, the executive budget as amended and heretofore adopted shall become operative without further action by this Council, and the Mayor is thereupon directed to spread the sum amounting to Twenty Seven Million, Three Hundred Seventy Four Thousand, Two Hundred Thirty Five 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 Anderson adjourned the meeting at 4:45 p.m.

Carol A. Antonucci  
City Clerk



NOVEMBER 13, 2007

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

November 13, 2007

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 Tuesday, November 13, 2007 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Approve Courthouse Agreements

Respectfully submitted,

Vincenzo V. Anello, Mayor

The November 13, 2007 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Robert Anderson, Jr. at 4:20 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Samuel Fruscione, Chris Robins, Lewis Rotella, Charles Walker - 5.

Also present: Mayor Vincenzo V. Anello, Acting Corporation Counsel Damon DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Acting Corporation Counsel Damon DeCastro said that he had received assurance from the Office of Court Administration that aid to the City in the amount of \$1.8M was still available.

Mayor Vincenzo V. Anello noted that:

The Agreements had been approved by the Acting Corporation Counsel as to form, and has been signed by the Mayor after receiving the recommendation from Mr. DeCastro;

Negotiations had been completed by the Administration, and now it was up to the Council to continue the process by approving the Agreements.

This was a difficult Agreement to negotiate because there was no interim Design Services Agreement, and the Design Services Agreement was signed before the City's interests were protected. The threat of sanctions by the Office of Court Administration hindered the negotiations.

The Local Development Corporation would not just affect the Court House, but would help other Main Street issues, such as housing, private investment and establishing a commercial strip.

1. Approve Courthouse Agreements  
Council Member Fruscione 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  
Anderson adjourned the Meeting at 4:30 p.m.

Carol A. Antonucci  
City Clerk



DECEMBER 3, 2007

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the December 3, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:10 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry, Acting Corporation Counsel Damon A. DeCastro, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of November 19, 2007, Special Meeting of November 13, 2007 and budget Sessions of November 13, 2007 and November 15, 2007.

Yeas	5
Nays	0

APPROVED

In his Administrative Update, Mayor Vincenzo V. Anello said that the Administration was pulling Agenda Item #14, relative to a local Hiring Policy, because it would create a paperwork nightmare by involving the City in all hiring disputes.

Council Member Robins suggested that a policy be established for not-for-profits to receive funds from the City.

Council Member Rotella noted that the Niagara Tourism and Convention Corp. had declined to contribute funds for the Hyde Park Holiday Light Show.

Chairman Anderson asked if it was legal for the Council to excuse late fees (Agenda Item #11), and Deputy Corporation Counsel Thomas O'Donnell responded that the Council could do so, but this would establish a precedent.

Mayor Anello explained that an agreement was in place to restore the position of Equipment Repair Specialist in the Fire Department (Agenda Item #13) if funding became available. Acting Corporation Counsel Damon DeCastro added that a grievance was pending, and a lengthy discussion followed. Mayor Anello recommended that the Controller sign off on funding sources before any Item is placed on the Agenda, and Mr. O'Donnell said that he would present Items requiring funding to the Controller for her signature before they were put on the Agenda.

Mr. O'Donnell distributed copies of six Items to be added to the Agenda:

1. A communication relative to a Budget Amendment to create a Neighborhood Services Data Clerk position and a Senior Citizen Facilities Attendant position.

Council Member Fruscione 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 #27.

2. A communication relative to asbestos abatement at the Public Safety Building.  
Council Member Fruscione 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 #28.

3. A Resolution relative to the abandonment of an alley between Cleveland and South Avenues.  
Council Member Fruscione 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 the State Comptroller's Health Insurance Examination.  
Council Member Fruscione 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.

5. A Resolution relative to the City of Niagara Falls COBRA Policy.  
Council Member Fruscione 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.

6. A Resolution relative to a response to the NYS Comptroller Audit Report of internal controls over health insurance.  
Council Member Fruscione 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 #32.

This Session ended at 4:45 PM

Chairman Anderson reconvened the Meeting at 7:02 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman announced a Special Order of Business, A Public Hearing relative to Abandonment of alley between Cleveland Avenue and South Avenue East of Main Street and a portion of South Avenue between Main Street and Tenth Street. There were no speakers.

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

Greg Colangelo	Agenda Item #13
Ken Hamilton	Agenda Item #12
Ken Hamilton	Full agenda items to be on line

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CLARK PATTERSON ASSOCIATES, LASALLE RECREATIONAL TRAIL

Agenda Item #1

RE: Approval of Engineering Contract to Clark Patterson Associates for feasibility and preferred alignment engineering work for the LaSalle Recreational Trail.

The Department of Planning and Economic Development received a \$15,000.00 NYS Dept. of State Environmental Protection Fund Grant (#T006337) to secure professional planning and engineering services. The planning and engineering work will determine the feasibility and preferred alignment for a multi-use trail through the LaSalle Expressway Corridor.

The LaSalle Recreationway Trail will ultimately function as a vital link within the Niagara River Greenway trail system, as it provides additional recreational facilities that will connect LaSalle's neighborhoods from the east city line to the LaSalle Waterfront Park (former Century Club) and trailhead for the Niagara Riverview Trail segment.

The Planning Division received proposals for the feasibility and preferred alignment engineering work from five firms as follows:

- Clark Patterson Associates \$26,690
- Joy Kuebler Landscape Architect, PC \$29,991
- peter j. smith & company, inc. \$30,000
- Fisher Assoiicates \$29,882
- Behan Planning Associates, LLC \$29,915

The Planning & Development staff used an evaluation process where each firm's proposed scope of services submission was scored by criteria, which includes cost. Staff evaluated the best fit between stated qualifications, proposed scope of work, and record of past projects, against the expectations and goals of the City. It is the determination of staff that the contract be awarded to Clark Paterson Associates.

Clark Patterson Associates has preformed similar work under State EPF grants. The firm is familiar with the State reporting requirements, and its proposal is responsive to the needs of the City. The cost of up to \$30,000.00 is in keeping with the budget for this work.

The City's match of \$15,000.00 is available in budget lineH0404E: 2004 Casino Revenues (for planning activities).

Will the Council vote to approve the engineering contract to *Clark Patterson Associates* as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

- Yeas 3
  - Fruscione, Robins, Walker
- Nays 2
  - Rotella, Anderson

APPROVED

Agenda Item #2

On October 9, 2007, the City Council voted to table the resolution expanding the boundaries of the area in which the Niagara Falls Urban Renewal Agency can operate. I understand that three concerns were voiced at that meeting.

One concern was whether the approval of the boundary would be the last involvement of the City Council in the activities of the Agency in the expanded area. The answer to that question is "No." The establishment of the boundary is merely the first step. Following the establishment of an Urban Renewal area, the Agency is required to prepare a new plan or plans for action within the new area. An Urban Renewal Plan is the blueprint for development of a designated area, and can include property acquisition, relocation, demolition, new infrastructure and private or assisted redevelopment. The Urban Renewal Plan is subject to SEQRA review. The Agency must hold public hearings before submitting the proposed Plan to Council. The Council must hold a public hearing before acting on any Plan. The Council must approve the Plan before it becomes effective, and the Council can require modifications to the Plan.

A second concern was whether this boundary expansion could contain stronger Code enforcement and site plan requirements. Those decisions will be made at the time of adoption of a Plan. At this time, it is contemplated that any Plan will rely on the Planning Board and Inspections Department. There is no intention to adopt any esthetic requirements or provide for any review outside the normal process. Simply put, the Agency does not have the resources to review and approve site plans or building designs. The Planning Board and Inspections Department can bring their expertise to the approvals necessary for the private activities implementing any adopted Plan. If more stringent Code or esthetic requirements are agreed upon, it most likely will be those entities that enforce them.

Finally, a question was raised as to whether this expansion would impede the Public Safety Complex. The purpose of the expansion is to complete the first step so that the Agency can assist in any spin-off development in the area surrounding the Complex. The Agency is the only entity which can acquire property through condemnation for economic development purposes. Development of the expanded Area may require the type of assistance which only can be provided through NFURA. In approving the boundary expansion, we will have taken the first step toward being able to provide that assistance. Any actions will have to be undertaken through an approved Plan within the expanded area.

I have attached a copy (on file in City Clerk's office) of the resolution approving the Urban Renewal expansion, which was tabled on October 9. Will the Council vote to remove the NFURA Boundary Expansion from the table and approve it as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

CONTRACT: YARUSSI CONSTRUCTION, INC., CHANGE ORDER #1, OLD FALLS STREET PROJECT

Agenda Item #3

RE: Approval of change order #1 to Yarussi Construction, Inc. contract for Old Falls Street project.

A contract for the above referenced project was awarded to Yarussi Construction, Inc. 5650 Simmons Avenue, Niagara Falls NY 14304, on September 25, 2006, in the amount of \$2,622,493.00.

Subsequent to the award of this contract, it was determined that an additional \$171,388.00 in costs were necessary due to a claim in differing site conditions.

It is the recommendation of the undersigned that Change Order #1 and Final be approved in the amount of \$171,388.00, increasing the contract total to \$2,793,881.00. Funding will be provided to us by USA Niagara.

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  
Nays

5  
0

APPROVED

FUND BALANCE TRANSFER: OLD FALLS STREET PROJECT

Agenda Item #4

RE: Approval to transfer \$1,599.91 from Fund Balance to Old Falls Street Reconstruction account for cost of termination and removal fees of light fixture.

Earlier this year, a light fixture was removed by National Grid to facilitate the Old Falls Street project. The City received an invoice from National Grid for the termination and removal fees associated with this elimination. The City made a decision to pay this directly rather than through the contractor. In doing so, this expedited the removal and avoided contractor cost mark-up for overhead and profit.

It is requested that Council appropriate \$1,599.91 from fund balance to be transferred to H0616.2006.0449.599 (Old Falls Street Reconstruction) to replenish this account.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

LASALLE LIBRARY: ASBESTOS ABATEMENT FUNDS

Agenda Item #5

RE: Approval to pay Stohl Environmental, LLC \$1,029.75 for asbestos inspection and monitoring at the LaSalle Library.

Asbestos inspection and monitoring services were performed at the Lasalle Library by Stohl Environmental, LLC in the amount of \$1,029.75.

It is the recommendation of the undersigned that payment to Stohl be approved. This amount is in conformance with other existing asbestos contracts. Funding is available in Capital Improvement Code H0904.2004.0904.0449.599.

Will the Council so approve and authorize payment to Stohl Environmental, LLC in the amount of \$1,029.75?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: KEK EXCAVATORS, INC., 88<sup>TH</sup> STREET BRIDGE DEMOLITION

Agenda Item #6

RE: Approval of contract with KEK Excavators, Inc. for 88<sup>th</sup> Street Bridge demolition

The following was the result of bids received on November 20, 2007, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
KEK Excavators, Inc. 547 Oswegatchie Road Palatine Bridge NY 13428	\$36,274.80
Mark Cerrone, Inc.	\$62,036.00
Empire Dismantlement	\$110,136.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, KEK Excavators, Inc., at their Base Bid of \$36,274.80. Funding is available from 2004 Casino Funds under Code H0404.2004.0404D.0449.559.

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

Yeas

5

Nays

0

APPROVED

NFURA: CASINO FUND TRANSFER

Agenda Item #7

RE: Approval to transfer \$405,000 of 2004 and 2005 Casino funds to NFURA

In 2005, the State Legislature authorized execution of a memorandum of understanding providing for appropriation and allocation of the 2004 and 2005 casino revenues due to the City under State Finance Law §99-h. Paragraph 1(c) of that "MOU" authorized payment of "16.3% of the total distribution (of casino revenues) or up to \$3.9 million to the City of Niagara Falls for sub-allocation to the Niagara Falls Urban Renewal Agency (NFURA) for economic development to facilitate private investment, private sector job creation and expansion of the tax base within the City."

The City allocated 2004 and 2005 casino cash to NFURA as follows:

2004 Casino Allocation per Capital Plan:	\$1,311,890.00
2005 Casino Allocation per Capital Plan:	\$1,308,008.00
<b>Total Allocation</b>	<b>\$2,619,898.00</b>

While the casino revenues are sub-allocated to NFURA under the MOU, the funds have remained on deposit with the City, with the City earning the interest until the funds are needed for expenditure. We think it prudent to obtain Council authorization for the transfer of the funds to the Agency. To date, the following projects and programs have been approved by NFURA. Council has approved the activities for which funds have been transferred:

Obligated Activity to URA	Committed	Funds Transferred
1. N.F.C. Development Corp. Rental Rehab. Program	270,000.00	Yes
2. Joseph Collura's Salary and benefits	90,000.00	Yes
3. Stantec Engineering ROW Mapping	8,500.00	Yes
4. Parsons Brinckerhoff URA Boundary Expansion	107,000.00	Yes
5. Ezekiel Project	42,000.00	Yes
6. City demos, sidewalks and streets	500,000.00	Yes
7. NFC Economic Development Loan Fund	605,000.00	No
8. Buffalo Niagara Eco. Development Summit	+30,000.00	No
<b>Total URA Casino Cash Approved Activities</b>	<b>\$1,652,500.00</b>	
<b>Unobligated Balance:</b>	<b>967,398.00</b>	

The following projects have been approved and we are requesting that Council vote to transfer \$375,000 of the \$605,000 allocated for economic development loan purposes. The loans that have been approved are as follows:

Mary O's Loan:	\$ 30,000
Como Loan:	\$ 100,000
Player's Loan:	\$ 25,000
Niagara Metal's Loan:	\$ 120,000
Eddie Jay's Loan/Grant:	\$ 50,000
Shorty's Grant:	\$ 50,000
	<b>\$ 375,000</b>

In addition, at this time we are requesting that Council approve the release of \$30,000.00 which NFURA approved for the Buffalo Niagara Economic Development Summit. The Agency has been billed for this event and the funds must be released for payment.

Will the Council vote to approve the transfers of \$405,000.00 of 2004 and 2005 casino revenues to NFURA as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

CONTRACT: MORRIS PROTECTIVE SERVICES, INC., WATCHMAN SERVICES

Agenda Item #8

RE: Approval of Bid #28-07 with Morris Protective Services, Inc. for watchman services at the Corporation Yard

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

TO: Morris Protective Service, Inc.  
975 Hertel Avenue, 2<sup>nd</sup> Floor  
Buffalo, NY 14216

FOR: Watchman services at the Corporation Yard.  
Contract in effect thru December 31, 2008.  
If mutually agreeable, it may be extended thru December 31, 2009.

Estimated number of hours per year (8,760): \$12.94/hr.

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Six (6) companies. Four (4) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Sentrex Security, Inc. (\$12.97/hr.), U.S. Security Associates, Inc. (\$13.34/hr.) and Allied Barton Security Services (\$14.34/hr.)

Funds for this expenditure are available in the Public Works Department, Administration code: A1490.0001.0449.004.

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

Yeas  
Nays

5  
0

APPROVED

CONTRACT: ARMAND CERRONE, INC., SNOW REMOVAL EQUIPMENT

Agenda Item #9

RE: Approval of Bid #27-07 with Armand Cerrone, Inc. for rental of snow removal equipment.

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

TO: Armand Cerrone, Inc.  
4625 Witmer Road  
Niagara Falls, NY 14305

FOR: Items 1-56, per the attached (on file in City Clerk's office) tally sheet.

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (5) vendors. The above referenced company submitted the only bid.

Funds for this expenditure will be made available in the Department of Parks and Public Works, Snow Removal Equipment code: A5142.0000.0442.003.

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

Yeas  
Nays

5  
0

APPROVED

CUSTOM HOUSE PROJECT: FUNDING LOAN

Agenda Item #10

RE: Approval to borrow \$500,000 from General Fund to be replaced with 2006 Casino funds for Custom House Project.

Elsewhere on your agenda is a resolution authorizing the City to enter into an agreement with the New York State Department of Transportation for the preliminary engineering design and construction and inspection phase of the Customs House Project. This will provide \$2 Million of federal funding and requires a \$500,000 City share.

Ultimately, the City's share will come from the 2006 casino funds.

Since the City has not yet received these funds, it is requested that the Council authorize the borrowing of the local share from the general fund, which will be reimbursed when the casino funds are received.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

AMUSEMENT VENDING: WAIVING OF LATE FEES

Agenda Item #11

RE: Approval to waive late fees for Amusement Vending

I have received a request from the operators of Niagara Novelty and Vision Vending to waive any late charges and other penalties for the late payment of their licensing fees that were due on October 1, 2007.

Since the Council is the entity that has authority to waive these fees, I am forwarding this request for your review and determination.

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

Yeas 0  
Nays 5

DEFEATED

CASINO INTEREST APPROPRIATION: EZEKIAL PROJECT

Agenda Item #12

RE: Approval to appropriate \$68,000 from Casino Interest for the Ezekial Project.

The City has received a request for additional funding for the Ezekial Project.

This request is in the amount of \$68,000, which would be appropriated from the interest on the casino funds.

Will the Council so approve?

Council Member Rotella moved that the communication be tabled.

Yeas 4  
Nays 1

Fruscione, Rotella, Walker, Anderson

Robins

TABLED

FIRE DEPARTMENT: RESTORE EQUIPMENT REPAIR SPECIALIST POSITION

Agenda Item #13

RE: Approval to restore the position of Equipment Repair Specialist in the Fire Department

In 2005, the position of Equipment Repair Specialist, whose occupant was represented by the Niagara Falls Fire Department Officers Association, was eliminated from the City budget. Following this action, the Fire Officers Union filed a grievance challenging the position's elimination and the reassignment of the duties to individuals outside of their bargaining unit.

Both the City and the Fire Officers Union continued to discuss this issue over the next several months and, in the spring of 2007, the City agreed to propose the re-establishment of the position to the City Council.

In furtherance of that agreement, this budget amendment is presented for your approval. The Civil Service code for this position is 8425 and would be paid at a Grade 6B level, the range of salary being \$56,919. to \$60,168. The City Administration, including Fire Chief William Mackay, believe that this position is necessary not only to settle the upcoming arbitration but also to ensure the protection of our firefighters and, as a result, the general public.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

LOCAL HIRING POLICY: NOAH ORGANIZATION

Agenda Item #14

RE: Approval of Noah organization recommended local Hiring Policy.

The Noah organization has been recommending to various municipalities that they adopt local hiring policies.

Their recommended policy is attached(On file in City Clerk's Office) for your review and possible approval.

This item was pulled from the agenda. No action was taken.

NIAGARA FALLS WRESTLING CLUB: GRANT REQUEST

Agenda Item #15

RE: Approval of grant in amount not to exceed \$20,000 from Casino interest to Niagara Falls Wrestling Club for purchase of two new wrestling mats.

The City has received a request from the Niagara Falls Wrestling Club to fund the purchase of two new wrestling mats. Due to increased membership at the Club, the use of old mats presents safety and health issues, which would be eliminated by the use of new mats.

Will the Council approve a grant to the Niagara Falls Wrestling Club in an amount not to exceed \$20,000 from the casino interest account to fund the purchase of two wrestling mats as illustrated by the attached quote(on file in City Clerk's office)?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: ANWAL PROPERTIES, PARKING AGREEMENT

Agenda Item #16

RE: Approval of revised parking agreement with Anwal Properties

Attached(on file in City Clerk's office) is a revised parking agreement with the owner of 225 Old Falls Street to provide for parking spaces at the Third Street parking lot.

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

This item was pulled from the agenda. No action was taken.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY CORPORATION COUNSEL

CLAIM: FRANK ANTONACCI, EXECUTOR

Agenda Item #17

RE: Approval to pay claim of Frank Antonacci in the amount of \$10,000.  
Date Claim Filed: March 14, 2005  
Date Action Commenced: May 27, 2006  
Date of Occurrence: December 31, 2004  
Location: Pine Avenue between 22<sup>nd</sup> Street and 23<sup>rd</sup> Street  
Nature of Claim: Fatality due to automobile accident  
Status of Action: Note of Issue filed  
Recommendation: Best interests of City to pay claim.  
Amount to be Paid: \$10,000  
Make Check Payable to: **"John J. DelMonte, as Attorney"**  
Conditions: General Release to City and Stipulation of Discontinuance, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?  
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0  
APPROVED

CLAIM: KERTIS PETERSON

Agenda Item #18

RE: Approval to pay claim of Kertis Peterson in the amount of \$6,000  
Date Claim Filed: July 18, 2003  
Date Action Commenced: February 2, 2006  
Date of Occurrence: June 23, 2003  
Location: 2150 Center Avenue  
Nature of Claim: Personal injuries due to trip and fall  
Status of Action: Summons and Complaint filed  
Recommendation: Best interests of City to pay claim.  
Amount to be Paid: \$6,000  
Make Check Payable to: **"Kertis Peterson and Cellino & Barnes, P.C. as attorney's"**  
Conditions: General Release to City, Stipulation to Discontinue 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: LIZA CONSTANTINO

Agenda Item #19

RE: Approval to pay claim of Liza Constantino in the amount of \$3,561.45

Date Claim Filed November 8, 2007
Date Action Commenced: N/A
Date of Occurrence: November 13, 2007
Location: 760 - 15th Street
Nature of Claim: Damage to motor vehicle due to collision with City vehicle
City Driver: Philippe Streeter
Status of Action: Claim stage.
Recommendation: Best interests of City to pay claim.
Amount to be Paid: \$3,561.45
Make Check Payable to: "Liza Constantino"

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

Yeas 5
Nays 0
APPROVED

ASSESSMENT CHALLENGE: RAYMOUR & FLANAGAN STORE

Agenda Item #20

RE: Approval of assessment adjustment of Raymour & Flanagan's store on Niagara Falls Boulevard.

This is a tax certiorari proceeding challenging the assessment of the Raymour & Flanagan's store on Niagara Falls Boulevard for the 2002 through 2007 assessment rolls.

The Board of Assessment Review set the assessment at \$679,500 in each year. The petitioner is seeking a value of \$400,000.

After the exchange of appraisals and extensive negotiations, a proposed settlement has been reached which would set the full market value of the property at \$564,000 for each of the years in question.

This fair market value would be subject to adjustment by use of the equalization rate to arrive at assessed valuation.

It is the recommendation of the Assessor and this office that this settlement be approved.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CLAIM: KIM ROBERTS

Agenda Item #21

RE: Approval to pay claim of Kim Roberts in the amount of \$905.71

The above claimant has incurred medical expenses for personal injuries suffered by her when, while a pedestrian, she was struck by a police vehicle owned by the City of Niagara Falls, New York. The driver of the police vehicle was Officer Charles Fink.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Niagara Orthopaedic	August 15, 2007	\$67.45
Niagara Orthopaedic	October 31, 2007	97.72
Rural/Metro Medical Services	June 11, 2007	740.54
<b>Total</b>		<b>\$905.71</b>

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Council Member Fruscione 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:

Agenda Item #22

RE: Approval of commissioner of Deeds appointments for a term from January 1, 2008 to December 31, 2009.

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2008 to December 31, 2009.

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

John Conti	Niagara Falls Police Dept.
Thomas Volk	Niagara Falls Police Dept.
Robert C. Donner	City Controller's Office
James Cudeck	New York State Parks Police
James Comfort	New York State Parks Police
Clyde Doty	New York State Parks Police
Thomas Franz	New York State Parks Police
Lazar Bosilkovski	New York State Parks Police
John Marcyan	New York State Parks Police
Brian Nisbet	New York State Parks Police
Peter Radwanski	New York State Parks Police
James Riddle	New York State Parks Police
Vincenette Anello	2450 Independence Ave., NF, NY 14301
Lora Daniels	7105 Colonial Dr., NF, NY 14305
Robert DiFrancesco	4640 Perry Ct., Lewiston, NY 14092
Catherine Printup	9309 Cayuga Dr., NF, NY 14304

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE ASSESSOR

LOCALLY-ADJUSTED HOMESTEAD & NON-HOMESTEAD PROPORTIONS

Agenda Item #23

RE: Approval of Locally-Adjusted Homestead & Non-Homestead Proportions

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 2008 tax levy:

<u>City of Niagara Falls</u>	
Homestead	52.61835
Non-Homestead	47.38165

This calculation represents a 10% shift to the homestead class.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

REMOVE FROM TABLE: URBAN RENEWAL SITE DESIGNATION

RESOLUTION: URBAN RENEWAL SITE DESIGNATION, 2007-106

Agenda Item #24

Relative to Urban Renewal Site Designation

BY: All Council Members

WHEREAS, a condition survey was undertaken in March 2007 to assess the conditions of structures within the East Falls Street and Rainbow Center Urban Renewal Plan areas and the federally designated Renewal Community (Census Tracts 202, 204, 205, 206, 209, 211) and to determine the appropriateness of the survey area or portion thereof for urban renewal treatment under Subdivision 3 of Section 502, Article 15 of the New York State General Municipal Law; and

WHEREAS, the area studied is described as all that tract of land situated in the City of Niagara Falls, County of Niagara and State of New York generally bounded by the street rights-of-way of College and Massachusetts Avenues on the north, Hyde Park Boulevard, 21<sup>st</sup> Street, 18<sup>th</sup> Street, 15<sup>th</sup> Street, Porter Road and Acheson Drive on the east, the rear property lines of properties fronting Buffalo Avenue on the south, and Prospect Street, Main Street, Whirlpool Street and Hojak railroad right-of-way on the west, and excluding lands owned and control by the Seneca Nation of Indians; and

WHEREAS, the May 2007 condition survey report concluded that building conditions in the area are substandard, as defined in Subdivision 3 of Section 502, Article 15 of the New York State General Municipal Law;

WHEREAS, the City of Niagara Falls Planning Board, at its July 11, 2007 meeting, passed a resolution recommending to the City Council designation of the area for urban renewal treatment and preparation of an urban renewal plan; and

WHEREAS, the Niagara Falls Urban Renewal Agency, at its September 25, 2007 meeting, passed a resolution recommending to the City Council designation of the within-described area for urban renewal treatment and recommending preparation of an urban renewal plan; and

WHEREAS, the designation of said area will allow for the systematic, long term, replanning, reinvestment, and redevelopment of the area;

WHEREAS, the designation and redevelopment of said area will provide new economic development and job opportunities to the community at large, and will aid in the stabilization of local property tax rolls, and will provide a framework for public and private reinvestment within the area; and

WHEREAS, urban renewal site designation is a SEQRA Type II preliminary planning activity that does not commit the City or Agency to undertake, fund or approve any specific action.

NOW, THEREFORE, BE IT RESOLVED, that, we, the members of the City Council of the City of Niagara Falls, New York, having considered the May 2007 conditions survey report, the Niagara Falls Planning Board Resolution of July 11, 2007 and the Niagara Falls Urban Renewal Agency Resolution of September 25, 2007, each recommending establishment of the Niagara Falls Urban Renewal 2007 Restoration Area, find the proposed Niagara Falls Urban Renewal 2007 Restoration Area, consisting of all that tract of land situated in the City of Niagara Falls, County of Niagara and State of New York generally bounded by the street rights-of-way of College and Massachusetts Avenues on the north, Hyde Park Boulevard, 21<sup>st</sup> Street, 18<sup>th</sup> Street, 15<sup>th</sup> Street, Porter Road and Acheson Drive on the east, the rear property lines of properties fronting Buffalo Avenue on the south, and Prospect Street, Main Street, Whirlpool Street and Hojak railroad right-of-way on the west, and excluding lands owned and control by the Seneca Nation of Indians, to be a substandard, insanitary area which tends to impair and arrest the sound growth and development of the municipality, as defined in Subdivision 3 of Section 502, Article 15 of the New York State General Municipal Law; and

BE IT FURTHER RESOLVED, that, the Niagara Falls Urban Renewal 2007 Restoration Area as described within be designated for urban renewal treatment pursuant to Section 504, Article 15 of the New York State General Municipal Law and that an urban renewal plan for the long term, comprehensive redevelopment of the designated Niagara Falls Urban Renewal Area be prepared.

Council Member Walker moved that the communication be removed from the table.

Yeas	5
Nays	0
	APPROVED

ITEM REMOVED FROM TABLE

Council Member Walker moved that the Resolution be adopted.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: JANUARY 2008 MEETING AGENDA, 2007-107

Agenda Item #25

Relative to the agenda for January 2008 Meeting

BY: Council Chair Robert Anderson, Jr.

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it hereby schedules the agenda deadline for 11:00 a.m. on Thursday, December 27<sup>th</sup> for the January 1<sup>st</sup>, 2008 Council Meeting. The January 1<sup>st</sup>, 2008 Council Reorganization/Swearing in Meeting will be held at 11:00 a.m. in the Council Chambers.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: CUSTOM HOUSE PROJECT FUNDING, 2007-108

Agenda Item #26

Relative to authorizing the implementation and funding in the first instance 100% of the Federal-Aid and State "Marchiselli" program-aid eligible costs, of a transportation Federal-Aid project, and appropriating funds therefore for the renovation of the Niagara Falls Customhouse

BY: Council Chair Robert Anderson, Jr.

WHEREAS, a Project to renovate the Niagara Falls Customhouse building, a property listed on the National Register of Historic Places, in the City of Niagara Falls, Niagara County, PIN 5758.04 (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) and Construction and Construction Inspection phases of the Project, PIN 5758.04.

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) and Construction and Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$500,000 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) and Construction and Construction Inspection phases exceeds the amount appropriated, \$ 500,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design) and Construction and Construction Inspection phases exceeds \$ 2,000,000, the City of Niagara Falls shall convene its City Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Mayor of the City of Niagara Falls 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 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, that this Resolution shall take effect immediately.

Yeas 5

Nays 0

ADOPTED

NEIGHBORHOOD SERVICES DATA CLERK, SENIOR CITIZEN FACILITIES ATTENDANT, CREATE

Agenda item #27

RE: Approval to do Budget Amendment to create Neighborhood Services data Clerk position and Senior Citizen Facilities Attendant.

In order to bring hiring requirements into compliance with New York State employment regulations for "seasonal/temporary" employees, Neighborhood Services needs to hire a Data Clerk and Senior Citizens Facilities Attendant as soon as possible. These positions are included in the 2008 budget.

The cost for the Data Clerk for the remainder of 2007 will be \$2,188.52. Funding is available from A.7141.0200.0130.000. The cost for the Senior Citizen Facilities Attendant for the remainder of 2007 will be \$2,312.52. Funding is available from A.7142.0100.0130.000 and A.7141.0200.0130.000.

Will the Council so approve and also approve transfer from Fund Balance to Fund Benefits.?

Council Member Walker moved that the communication be amended by adding cost of fringe benefits.

Yeas 5  
Nays 0

APPROVED

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

Yeas 5  
Nays 0

APPROVED

PUBLIC SAFETY BUILDING: ASBESTOS TESTING

Agenda Item #28

RE: Approval to appropriate \$6,000 from Fund Balance for asbestos testing and verification to be done at the Public safety Building.

There exist areas on the lower level of the Public Safety Building that presently need immediate attention in the removal of asbestos material. This has come to light when a remedial clean-up action was undertaken and during this action, it was discovered that a small scale clean-up is not the proper way to address this situation. Citations have been issued by the PESH Division of the New York State Department of Labor on several infractions.

After reviewing this and also speaking with the Department of Labor's Asbestos Control Bureau, it is recommended by the Department of Labor and the Office of Engineering that testing and verification of asbestos containing material be carried out in these areas for the safety of both City employed personnel and the general public, and to avoid future citations and punitive actions by State and/or Federal agencies.

The Department of Engineering is presently consulting with an asbestos abatement expert for a detailed plan of action. We anticipate the cost of the abatement not to exceed \$6,000.00 and request that the Council appropriate this amount from fund balance.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

RESOLUTION: STREET ABANDONMENT, 2007-109

Agenda Item #29

Relative to abandonment of alley between Cleveland Avenue and South Avenue East of Main Street and a portion of South Avenue between Main Street and Tenth Street.

BY: All Council Members

WHEREAS, the City Council of the City of Niagara Falls desires to abandon the alley running north/south between Cleveland and South Avenues and sometimes known as South Avenue Place and a portion of South Avenue commencing at a point 175.2 feet west of the west line of Tenth Street to the west line of Tenth Street; and

WHEREAS, this will free this property for the construction of the new Courthouse Facility; and

WHEREAS, the City Council did by resolution give notice of it's intention to abandon the aforementioned alley and portion of street and did direct the City Clerk to publish notice of such intention and that a public hearing would be held by the City Council at it's meeting to be held in the Council Chambers on December 3, 2007 at 7:00 p.m. Eastern Standard Time and advised that all persons interested would be heard thereon at said time and place; and

WHEREAS, the hearing was duly held on December 3, 2007 at 7:00 p.m. Eastern Standard Time in regards to the said abandonment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the alley running north/south between Cleveland and South Avenues and sometimes known as South Avenue Place is hereby abandoned; and

BE IT FURTHER RESOLVED, that the portion of South Avenue commencing at the intersection of the north line of South Avenue with the west line of Tenth Street thence running west along the north line of South Avenue a distance of 175.2 feet to a point thence south at a ninety degree angle a distance of 60 feet to a point in the south line of South Avenue thence east along the south line of South Avenue a distance of 175.2 feet to its point of intersection with the west line of Tenth Street thence north along the west line of Tenth Street a distance of 60 feet to the point of and place of beginning is hereby abandoned; and

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

Yeas  
Nays

5  
0

ADOPTED

RESOLUTION: STATE COMPTROLLER'S HEALTH INSURANCE EXAMINATION, 2007-110

Agenda Item #30

Relative to the State Comptroller's Health Insurance examination

BY: Council Member Chris Robins

WHEREAS, the State Comptrollers' Office has issued an examination regarding the City's internal controls over health insurance; and

WHEREAS, one of the findings of that review was that City Officials should comply with the provisions in the Niagara Falls Uniformed Firefighters Association and Niagara Falls Fire Department Officers Association contracts and discontinue health care coverage for the two retirees who have less than the required years of service to the City; and

WHEREAS, the State Comptrollers' Office recommended that City Officials should investigate recovering benefits provided to such retirees; and

WHEREAS, it is and was the City's intention to comply with the provisions of such union contracts regarding health care coverage; and

WHEREAS one case was an error that was not discovered until two years after the employee's retirement date; and the subsequent case was not a violation of the contract because health insurance coverage was provided pursuant to a contractual agreement with the bargaining unit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that such health care coverage should continue for these two retirees, and the Council also agrees that the City not seek recovery of past benefits.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: NIAGARA FALLS COBRA POLICY, 2007-111

Agenda Item #31

Relative to City of Niagara Falls COBRA Policy

BY: All Council Members

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby adopts the attached Cobra Policy for the continuation of Group Health and Dental Insurance Benefits.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: NYS COMPTROLLER AUDIT REPORT, RESPONSE, 2007-112

Agenda Item #32

Relative to response to New York State Comptroller Audit Report of Internal Controls over Health Insurance

BY: All Council Members

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby adopts the attached letter as the response to the New York State Comptrollers Office Audit Report of Internal Controls over Health Insurance and authorizes the City Administrator to forward the same to the New York State Comptroller.

Yeas	5
Nays	0

ADOPTED

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

Carol A. Antonucci  
City Clerk



DECEMBER 12, 2007

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

December 6, 2007

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 December 12, 2007 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. To reconsider and act upon all amendments to the 2008 vetoes by the Mayor

Respectfully submitted,

Robert Anderson, Jr., Council Chairman

The December 12, 2007 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Robert Anderson, Jr. at 4:13 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles Walker - 5.

Also present: Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Mayor Vincenzo V. Anello returned the vetoes back to Council with the following attached:

In an effort to continue to operate our City in a business like manner, this Administration has provided you with a sound, well thought out budget. The fact that the bottom line in the Amended Budget does not change the bottom line one cent, is a testament to its soundness.

This Administration's plan for zero tax increase in the Homestead tax rate and a decrease in Non-Homestead tax rate to at least 2010 is intact.

Reflecting on the following "God grant me the serenity to accept the things I cannot change; courage to change the things I can; and wisdom to know the difference." Out of the 53 Budget Amendment I have only vetoed Resolutions numbers 5, 6 and 7. Reasons stated in attached resolutions.

Deputy Corporation Counsel Thomas O'Donnell explained the veto process for the Council Members.

The Council unanimously overrode all 3 of Mayor Anello's Budget Amendment vetoes.

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

Carol A. Antonucci  
City Clerk



DECEMBER 17, 2007

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The first session of the December 17, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Robert Anderson, Jr. at 4:13 p.m. in the Council Chambers.

Present: Council Chairman Robert Anderson, Jr., Council Members Samuel Fruscione, Chris Robins, Lewis Rotella, Charles A. Walker - 5.

Also present: Mayor Vincenzo V. Anello, City Administrator William J. Bradberry, Acting Corporation Counsel Damon A. DeCastro and Deputy Corporation Counsel Thomas O'Donnell.

Council Member Fruscione moved to approve the Minutes from the City Council Meeting of December 3, 2007 and Budget Session of November 27, 2007.

Yeas	5
Nays	0

APPROVED

In his Administrative Update, Mayor Vincenzo V. Anello spoke on snow removal during the heavy snowfall the previous day. He reported that the City is split into sections for plowing, and the main roads are done first. Although the City is in need of more equipment, and cars were parked on streets where there is alternate parking, he felt the crews did a good job.

Council Member Robins said that he had received requests for use of the interest money earned on the Casino funds. Chairman Anderson suggested that the requests be discussed with the new Administration after the first of the year.

Deputy Corporation Counsel Thomas O'Donnell distributed copies of four Items to be added to the Agenda:

1. A communication requesting approval of the bid for the purchase of a Mobile Sound Shell Stage.

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

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #14.

2. A Resolution relative to calling for a Public Hearing on the abandonment of an alley.

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 #15.

3. A Resolution relative to expanding the boundaries for USA Niagara. Council Member Robins moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION AGENDA APPROVED

The Resolution was added to the Agenda as #16.

4. A communication requesting a revised Anwal Parking Agreement.  
Council Member Robins 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.

Mr. O'Donnell also said that if the Council Members wished to act on the communication requesting funding for the Ezekial Project that was tabled at the December 3 Meeting, a motion was needed to add it to the Agenda.

Council Member Fruscione 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.

This Session ended at 4:30 PM

Chairman Anderson reconvened the Meeting at 7:10 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Rotella and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Ken Hamilton  
Roger Spurback

Agenda Items #4-9-13  
Acknowledging Council Member  
Rotella's service on the  
Council

Ken Hamilton  
Bill MacKay

Wish list for 2008  
Acknowledging Council Member  
Rotella's service on the  
Council

The following were RECEIVED AND FILED:

Agenda Item #1  
Claim's Report for November, 2007.

Agenda Item #2  
Mayor's approval of Resolution 2007-95.

NOT-FOR PROFIT AGENCY FUNDING

RECEIVED AND FILED

Agenda Item #3

From the Mayor: suggestion that United Way of Niagara administer requests for City funding by Not-for-Profit Agencies.

As you are aware, the City is receiving numerous requests from various Not-for-Profit Agencies for City funding.

To date the City has not implemented a comprehensive plan for dealing with these requests, but has dealt with them on a case by case basis.

The United Way of Niagara has suggested that it has the expertise and experience of administering these types of grants. I support this concept and request that the Council work with the Administration to develop this.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CENTER COURT URBAN PARKS GRANT AMENDMENT

Agenda Item #4

RE: Approval of Center Court Parks Grant Amendment regarding Hope VI Land transfers

In 1980, the City obtained a \$361,250 federal UPARR (Urban Park & Recreation Recovery Act) grant for improvements to Center Court Park. The grant funds were used to renovate the swimming pool, bathhouse, ballfield, tot lot, ball court, parking area, walkways, and to install new picnic tables and benches, and lighting.

Under the terms of UPARR funding (Section 1010 of UPARR, 16 USC 2509), no property improved or developed with assistance under UPARR can be converted to other than public recreation uses without the approval of the Secretary of the Interior.

As you know, Center Court Park is to be redeveloped for the HOPE VI project. On June 27, 2005 the City Council approved conveyance of Center Court Park and other City-owned properties for the project.

With assistance from the Housing Authority's consultant, the City applied to the Secretary of the Interior for approval of the conveyance of the park for the project. The approval, which was based on representations made in the application, does not reflect accurately the structure of the transaction. The approval allows conveyance only to the Housing Authority and requires redesign and upgrading of the park.

The park currently contains about 9.3 acres. About 5.6 acres will be conveyed to the Housing Authority's designee (Center Court 1, LLC). No redesign or upgrades are planned for the facilities located on the approximately 3.7 acres which will remain as a park.

We are told that the City can obtain approval for the conveyance of parkland only if the City commits to replace the conveyed parkland with new parkland, or replace the conveyed parkland by subjecting other City parkland to the "Section 1010" restrictions.

The land for Center Court Park is assessed at \$67,300. We are proposing to convey about 5.6 acres, or about 60% of the land for the HOPE VI project. The City will be required to replace the conveyed parkland with 5.6 acres of similar parkland worth at least \$40,380.00. I am told the replacement will need to be made by the end of 2008. Council approval is requested for an amendment of the UPARR grant reflecting the conveyance of parkland to the Housing Authority or its designee and requiring the replacement of the converted parkland with other City parkland or new parkland equal or greater in value and utility to the conveyed land.

Incidentally, the 2005 State approval for the conveyance of the Center Court parkland is effective "only upon the condition that the city of Niagara Falls dedicate an amount equal to or greater than the fair market value of the park land being alienated...for the acquisition of additional park lands and/or for capital improvements to existing park and recreational facilities," so the conveyance is already subject to a similar requirement.

Another issue with this project is the stormwater drainage detention basin to be located on a portion of the Center Court Park land. The area is the size of two football fields, and is located on the south side of Beech Avenue. This area is to be graded to six or seven feet below grade to contain stormwater runoff generated by a "ten year storm." The Housing Authority originally wanted the City to own this land, but has agreed that its designee will own the detention area. That agreement clears the way for Water Board and DEC approval of the stormwater drainage system.

Will the Council vote to approve the UPARR grant agreement amendment allowing conveyance of a portion of Center Court Park upon the condition that the City replace the land with equivalent land subject to the UPARR Section 1010 restrictions as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas  
Nays

5  
0

APPROVED

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

Agenda Item #5

RE: Approval of Bid #36-07 with Modern Landfill, Inc. for sale of street millings

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

TO: Modern Landfill, Inc.

4746 Model City Road

PO Box 209

Model City, NY 14107-0209

FOR: Sale of Street Millings (approx. 6,300 tons): \$2.00/ton  
located at the Corporation Yard.

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to three (3) vendors. Three (3) bids were received. The above referenced company submitted the highest price for the street millings. Bids were also received from Armand Cerrone, Inc. (\$.01/ton) and LaFarge North America (\$.50/ton).

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

Yeas

5

Nays

0

APPROVED

COURT HOUSE PROJECT: DEVELOPER COSTS

Agenda Item #6

RE: Approval to pay Invoice #20 for Court House Project in the amount of \$1,680,186.53 for a total to date of \$4,159,279.37.

Attached(on file in City Clerk's office)is Invoice #20 from the Developer for \$1,667,658.40.

Total paid to date is \$4,159,279.37.

Will the Council approve the payment?

Council Member Fruscione moved that the communication be received and amended the amount to \$1,667,658.40 and changed payable on check to Bellevue Development Corp.

Yeas

5

Nays

0

APPROVED

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY CORPORATION COUNSEL

CLAIM: Mariacher, Margaret L.

Agenda Item #7

RE: Approval to pay claim of Margaret L. Mariacher in the amount of \$500.00

Date Claim Filed: February 25, 2005  
Date Action Commenced: January 31, 2006  
Date of Occurrence: December 9, 2004  
Location: 2200 Pine Avenue  
Nature of Claim: Personal injury due to trip/fall  
Status of Action: Discover complete  
Recommendation: Best interests of City to pay claim.  
Amount to be Paid: \$500.00  
Make Check Payable to: **"Walsh, Roberts & Grace, as attorneys for Margaret L. Mariacher"**  
Conditions: General Release to City and Stipulation to Discontinue 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 Fruscione moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0

APPROVED

PROPERTY SALE: 1038 GARDEN AVENUE

Agenda Item #8

RE: Approval of sale of 1038 Garden Avenue to Robert Sahota for a sum of \$113.00

The City has received a request to purchase the above referenced City-owned property for the sum of \$113.00. This property was approved for sale by the Planning Board at their December 5, 2007 meeting.

Will the Council approve the sale of these premises for this price in an "as is" condition with a requirement to combine the parcels, 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, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas 5  
Nays 0

APPROVED

PROPERTY SALE: 2607, 2609 & 2611 HIGHLAND AVENUE

Agenda Item #9

RE: Approval of sale of 2607, 2609 and 2611 Highland Avenue to Abdul Richardson for a sum of \$300.00 each.

The City has received a request to purchase the above referenced City-owned property for the sum of \$300.00 each. This property was approved for sale by the Planning Board at their December 5, 2007

Will the Council approve the sale of these 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, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Fruscione 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 #10

RE: Approval of Commissioner of Deeds Appointments for a term from January 1, 2008 to December 31, 2009

**The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2008 to December 31, 2009.**

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

Kassie Joylaine Klejdys 2430 River Rd., Niagara Falls, NY 14304

Teresa M. Kurilovitch 9311 Niemel Dr., Niagara Falls, NY 14304

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

Yeas 5  
Nays 0

APPROVED

RESOLUTION: AMENDING CHAPTER 305 OF THE CODIFIED ORDINANCES ENTITLED "AMUSEMENTS AND AMUSEMENT CENTERS", 2007-113

Agenda Item #11

Relative to amending Chapter 305 of the Codified Ordinances entitled "Amusements and Amusement Centers"

By: Council Member Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 305 of the Codified Ordinances entitled "Amusements and Amusement Centers" is hereby amended by amending Section 305.06 entitled "Fee for Amusement Centers: Incentive Fee, License Terms" to read as follows:

305.06 FEE FOR AMUSEMENT CENTERS: INCENTIVE FEE, LICENSE TERM.

The fee for a license for an amusement center shall be **[Forty Dollars (\$40.00)] Fifty Dollars (\$50.00)** per year or any part of such year for the operation of **[each game] one to five games** to be maintained or operated therein, **and \$100 per year or any part of such year for the operation of six or more games to be maintained or operated therein,** if paid on or before October 1 of each license year. Thereafter, beginning on October 2 of each license year the fee for a license for an amusement center **for the operation of one to five games** shall be **[Fifty Dollars (\$50.00)] One Hundred Dollars (\$100.00)** per year or any part of such year **and for the operation of six or more games shall be Two Hundred Dollars (\$200.00) per year or any part of such year** for the operation of **[each] games** to be maintained or operated therein. **[However, the license fee for one amusement center shall not be more than Seven Hundred Fifty Dollars (\$750.00) during any annual license period.]** The license year shall begin on October 1 of each year and expire on September 30 of the succeeding year.

**This amendment will become effective for license years commencing on or after October 1, 2008.**

Bold and Underlining indicate **Additions.**

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

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: LOCKPORT STREET BRIDGE FUNDING, 2007-114

Agenda Item #12

Relative to authorizing the implementation and funding in the first instance, 100% of the Federal-Aid and State "Marchiselli" Program-Aid eligible costs, of a transportation Federal-Aid project, and appropriating funds therfor for the rehabilitation of the Lockport Street Bridge.

BY: All Council Members

WHEREAS, a Project for the Rehabilitation of the Lockport Street Bridge over the CSX Railroad (formerly Conrail), BIN 2263840, in the City of Niagara Falls, Niagara County, PIN 5754.61 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI ) and Construction & Construction Inspection phases of the Project, PIN 5754.61.

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 (Scoping & Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,782,200 has been appropriated via City Resolutions No. 1998-136 adopted November 9, 1998 at \$154,200 and No. 2003-46 adopted April 16, 2003 at \$1,628,000 for the project's Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases 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 (Scoping & Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, \$1,782,200 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phase exceeds \$8,907,000, the City of Niagara Falls shall convene its City Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal-Aid 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 therfor 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: JUDGE ROBERT RESTAINO SUPPORT, 2007-115

Agenda Item #13

Relative to support of Judge Robert Restaino

BY: All Council Members

WHEREAS, the New York State Commission on Judicial Conduct has recently issued a decision to remove Niagara Falls City Court Judge Robert M. Restaino from the bench as a result of Judge Restaino's actions on March 11, 2005 when he sanctioned the defendants in his courtroom for their failure to indicate to him the owner of a ringing cell phone, and

WHEREAS, Judge Restaino has appealed this decision to the New York State Court of Appeals, our State's highest Court; and

WHEREAS, the Court of Appeals standard of review in Judicial conduct cases is limited to the record provided to it by the Commission and while that record will reflect the serious nature of this isolated incident, it will not reflect the quality of the Judge's character, his over twenty-five years of dedicated service to the citizens of Niagara Falls and his otherwise exemplary record as a Judge on the Niagara Falls City Court bench; and

WHEREAS, such additional information will be of special assistance to the Court of Appeals and will provide it with information which might otherwise escape consideration as they review the record in Judge Restaino's appeal; and

WHEREAS, this information can be included in an Amicus Curiae brief; and

WHEREAS, this Council believes that it is very important that this information be submitted to the Court of Appeals.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby directs the Corporation Counsel's office to prepare the necessary motion and other Court papers to allow this information to be submitted to the Court of Appeals.

Yeas

5

Nays

0

ADOPTED

CONTRACT: CENTURY INDUSTRIES, MOBILE SOUND STAGE SHELL

Agenda Item #14

RE: Approval of Bid #32-07 with Century Industries for purchase of a mobile sound Stage Shell

TO: Century Industries

299 Prather Lane

Sellersburg, IN 47172

FOR: One (1) Mobile sound shell stage: \$130,026.00

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

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

I further request the Council authorize the use of the City's fund balance to pay for this expenditure.

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: PUBLIC HEARING FOR STREET ABANDONMENT, 2007-116

Agenda item #15

Relative to calling for a public hearing for abandonment of a portion of the alley running West from Tenth Street between Michigan and South Avenues

BY: All Council Members

WHEREAS; the City's Public Safety Complex will be built in the area between Main and Tenth Streets and Cleveland and Michigan Avenues; and

WHEREAS, the approved site plan calls for the abandonment of a portion of the alley running west from Tenth Street between Michigan and South Avenues;

WHEREAS, this Council declares its intention to abandon said alley portion.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that a Public Hearing be held relative to the abandonment of the aforementioned alley portion said Public Hearing to be held at a meeting of the Council to be held in the Council Chambers in City Hall on January 14, 2008 at 7:00 p.m. Eastern Standard Time, and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said alley portion in the official newspaper, once a week for two successive weeks, preceding January 14, 2008.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: EXPANSION OF BOUNDARIES FOR USA NIAGARA, 2007-117

Agenda Item #16

Relative to expansion of boundaries for USA Niagara

BY: All Council Members

WHEREAS, The USA Niagara Development Corporation is a subsidiary of Empire State Development and is solely dedicated to the support and promotion of economic development initiatives in Niagara Falls; and

WHEREAS, with Governor Eliot Spitzer's "City-by-City" approach to revitalizing struggling Upstate cities, we feel that USA Niagara should amend their boundary lines to include the Main Street area of the City of Niagara Falls. The "City-by-City" plan will provide a targeted and comprehensive economic development strategy as well as a set of priority projects based on its unique assets. The projects that are in progress on Main Street is a critical first step in developing this area of the City.

NOW THEREFORE BE IT RESOLVED, that we ask USA Niagara to amend and expand their boundary lines to include the area of Main Street in the City of Niagara Falls, New York.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to USA Niagara Development Corporation; State Senator Antoine Thompson; Assemblywoman Francine DelMonte and the office of Governor Eliot Spitzer.

Yeas 5  
Nays 0

ADOPTED

CONTRACT: REVISED ANWAL PARKING AGREEMENT

Agenda Item #17

RE: Approval of revised Anwal Parking Agreement to provide parking spaces at Third Street Lot.

Attached(on file in City Clerk's office)is a revised parking agreement with the owner of 225 Old Falls Street to provide for parking spaces at the Third Street parking lot.

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

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

Yeas 5  
Nays 0

APPROVED

EZEKIAL PROJECT: FUNDING

Agenda Item #18

RE: Approval of additional funding for the Ezekial Project from the interest on Casino funds

The City has received a request for additional funding for the Ezekial Project.

This request is in the amount of \$68,000, which would be appropriated from the interest on the casino funds.

Will the Council so approve?

Council Member Fruscione moved that the communication be removed from the table.

Yeas 5

Nays 0

APPROVED

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

Yeas 5

Nays 0

APPROVED

All Council Members acknowledged the contributions of Council Member Rotella and thanked him for his service as a council member.

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

Carol A. Antonucci  
City Clerk

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