

## Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of September 2013 the claims were subsequently referred to the Office of the Corporation Counsel.

### NOTICE OF CLAIM

Holstrom, Robert 457 10 <sup>th</sup> St	Property damages sustained from City truck.
Walos Jr., Steven c/o Fanizzi & Barr, P.C.	Personal injuries sustained from motorcycle hitting sewer grate.
Rizzo, Louis 434 5 <sup>th</sup> St.	Property damage sustained from fallen tree on fence.
Welland, Gertrude M. c/o Lipsitz Green Scime Cambria LLP	Personal injuries sustained from falling on sidewalk
Kovacich, Francis c/o Brown Chiari LLP	Personal injuries sustained from bicycle hitting pothole.
Waterkraus See list of names attached	Personal injury and/or damage to property or loss of property
Morreale, Marilyn 3404 Walnut Ave	Property damages sustained from back up of water into basement.
Nottingham Jr., Wayne A 1311 South Ave.	Property damages sustained from tree.
First Street Group, LLC c/o Daniel R. Metschl, Attorney at Law	Property damages sustained from city vehicle
Peterson, Karen & Mark c/o Stephen R. Foley, Esq.	Personal injuries sustained from trip and fall in Whirlpool State Park
Luben, Victor 5639 Frontier Ave.	Property damages sustained from City tree.
Huff, Mary c/o Duggan & Pawlowski	Personal injuries sustained from fall on City sidewalk
CECOS International, Inc., f/k/a/ NEWCO Chemical Waste Service, Inc. c/o Webster Szanyi LLP	Love Canal Remedial project..

### SUMMONS

Bradley R. Day c/o Cellino & Barnes	Index#150755
Paul R. Dunning Phyllis A. Dunning c/o John J. Fromen Attorneys at Law PC	Index#150985
9020 South Military Road Inc. c/o Michael Maloney Attorney at Law	Index#CV-0747-13

City of Niagara Falls  
Submission #10

Last	First	Street Address	City, State Zip	Phone Number
Bailor	Brenda	1178 Haeberbe ave	Niagara Falls, NY 14301	716-990-6778
Butkowshi	Larry	3532 Maple Road	Wilson Rd, 14172	716-751-2061
Butkowshki	Laddy	1269 Sandy Bridges Ct.	Hayward, CA 94541	510-538-4691
Cornelius	Robert	571 74th St.	Niagara Falls, NY 14304	
Fetter	Krystal	173 67th Street,	Niagara Falls, NY 14304	716-283-6628
Fetter	Victor P	173 -67th St.	Niagara Falls, NY 14304	716-283-6628
Freeman	Gerald	7604 Greenview Road,	Niagara Falls, NY 14304	716-297-9030
Henderson	Rita	4175 Woodlake Court	Virginia Beach, VA 23452	757-233-3949
Jones	Dianna F	452 Berkshire Ave.	Buffalo, NY 14215	716-948-8475
Krull	Lori	2631 Upper Mountain Road,	Sanborn, NY 14132	716-870-0845
Mallory	Gwendolyn	800 Niagara ave #303	Niagara Falls, NY 14305	716-285-0399
Osetkowski	Joseph	2463 Jagow Road	Niagara Falls, NY 14304	716-731-2739
Perrier	Tina Marie	3720 Morton Ave #1,	West Palm Beach, FL, 33405	561-512-9688

Agenda Item #2

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of September, 2013.

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001				\$
A012	Vital Statistics		\$ 4,427.00	4,427.00
A1255-004				\$
A013	Copies of Records		\$ 725.25	725.25
A1255-004				\$
A013	Certificates of Marriage		\$ 1,600.00	1,600.00
A2501-011				\$
A044	Peddler		\$ 100.00	100.00
A2501-016				\$
A047	Stationary Engineers		\$ 160.00	160.00
A2501-016				\$
A047	Stationary Engineers Test Fee		\$ 125.00	125.00
A2542-000		\$		\$
A053	Dogs/NYS Agr.& Mkts	311.00	\$ -	311.00
A2542-000				\$
A053	Additional Dogs		\$ 3,124.50	3,124.50
A2545-001		\$		\$
A054	Marriage License/NYSHD	3,600.00	\$ 1,200.00	4,800.00
A2501-599				\$
A130	Pawn Broker		\$ 700.00	700.00
A2545-023		\$		\$
A318	Hunters/NYS DEC RAU	2,017.39	\$ -	2,017.39
A2545-023				\$
A318	Hunters Fees	117.61	\$ -	117.61
A1255-003				\$
A499	Notary Fee		\$ 20.00	20.00
A1255-005				\$
A528	Dog Release		\$ 300.00	300.00
TA63008				\$
A597	Marriage Performance		\$ 3,025.00	3,025.00
A1255-006-				\$
A696	Photos/passport-license		\$ 36.00	36.00

<b>TOTAL:</b>			\$ <u>6,046.00</u>	\$ 15,542.75	\$ <u>21,588.75</u>
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Check #	<u>64738</u>	NYS Dept.of Arg. & Mkts	\$ 311.00
Check #	<u>64719</u>	NYS Health Department	\$3,600.00
Check #	<u>ET</u>	NYS DEC RAU	\$2,017.39

Agenda Item #3

**RE: City Council Agenda Item:  
CDBG 2012 Reprogramming  
\$20,000 Deconstruction to Jobs**

**Council Members:**

The 2012 CDBG budget appropriated \$20,000.00 to the NACC for a Deconstruction to Jobs program. Under the program, 2 properties slated for demolition would have their salvageable materials removed. The deconstruction would be accomplished by unemployed youths, trained by a project supervisor.

The program is more appropriate for the Isaiah 61 project. The NACC is in agreement that the funding can be reprogrammed to Isaiah 61. The program will remain the same as in the original 2012 CDBG budget, with the Isaiah 61 project taking over responsibility for implementation.

Will the Council vote to approve the reprogramming of \$20,000.00 to Isaiah 61 for the Deconstruction to Jobs program as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #4

**SUBJECT: BUFFALO AVENUE RECONSTRUCTION PROJECT  
VETERANS DRIVE TO 63<sup>RD</sup> STREET  
PIN 5460.28, R.P. 175  
CHANGE ORDER #4 – \$0.00**

A contract for the above referenced project was awarded to CATCO on May 29, 2012 in the amount of \$9,979,999.00.

As this project enters the final phases of reconstruction, outstanding unpaid costs associated with the excavation and disposal of native materials and water/sewer system improvements – *replacement of faulty water valving, replacement of leaking pipe/service connections and failed sewer trunks, installation of in-situ sewer liners* - have been incurred. Now that all substantial excavation work has been completed and with the paving operations set to begin in earnest, payment can now be made on the above referenced items without the potential of incurring additional costs for work of the same nature. The total costs for the ancillary material excavations and disposal along with the utility improvements listed above is \$176,000.00. However, existing funding for future portions of this project will allow this work to be paid at this time at no increase to the existing contract total. Therefore, it is the recommendation of the undersigned that Change Order #4 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?

Agenda Item #5

*RE: Reorganization in Department of Public Works-Parks Administration Division*

Council Members:

The Director of DPW is recommending a Principle Clerk position in the Parks Administration division (A.1610.0001.0110.000) be downgraded to Junior Account Clerk. The reason for this is that the person who was previously in this position has moved to another City department. There will be a savings in salary of \$15,624.90.

Will the Council so approve?

Agenda Item #6

*RE: Fee Schedule for Utilization of LaSalle Facility*

Council Members:

The Director of Public Works is recommending that a fee schedule be established for the utilization of the LaSalle Facility. His recommendation is that the fee be established at \$30.00 per hour for the first three hours of use. In the event that the use will be for more than three hours, he is recommending that a daily fee of \$100.00 be charged.

Will the Council so approve?

Agenda Item #7

*RE: Installation of Public Safety Antennae/Repeaters/Receivers (Collectively "Voters")*

Council Members:

The police superintendent has requested that the sum of \$80,000.00 be made available so that the above mentioned "Voters" can be relocated to higher locations in the City so as to cure reception problems the police, fire and other City radios have been experiencing. It is requested that this be accomplished now because the work necessary may not be accomplished in the winter months. In addition, the problems presently experienced with radio reception will increase due to bad weather and cloud cover. This is an attempt to avoid serious public safety issues.

Funding is available from casino revenues.

Will the Council so approve and authorize the City to retain FM Communications, a sole source provider of these items, to perform the required work?

**CITY OF NIAGARA FALLS, NY  
POLICE DEPARTMENT CAPITAL REQUESTS  
FOR THE 10/14/2014 AGENDA**

<b>POLICE EQUIPMENT/VEHICLES</b>		<b>2014</b>
<b>VEHICLES</b>		
Patrol cars with lights, sirens and cages	9	\$ 270,000
Patrol cars with lights and siren	4	\$ 108,000
Unmarked cars for CID, NID, YAB, Admin.	<del>2</del> 6	\$ 135,000
<b>COMMUNICATION</b>		
4 "Voters"		\$ 80,000
<b>TOTAL EQUIPMENT-POLICE</b>		<b>\$ 593,000</b>

Agenda Item #8

*RE: Purchase of Vehicles for Police Department*

Council Members:

The Superintendent of Police is requesting that the sum of \$513,000.00 be made available to purchase thirteen (13) new marked police vehicles and six (6) unmarked police vehicles. These vehicles are available for purchase through state contract.

The police superintendent advises that police vehicles have not been purchased since 2008 and many are in a state of disrepair.

Funding is available from casino revenues.

Will the Council so approve?

**CITY OF NIAGARA FALLS, NY  
POLICE DEPARTMENT CAPITAL REQUESTS  
FOR THE 10/14/2014 AGENDA**

<b>POLICE EQUIPMENT/VEHICLES</b>		<b>2014</b>
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Patrol cars with lights, sirens and cages	9	\$ 270,000
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<b>COMMUNICATION</b>		
4 "Voters"		\$ 80,000
<b>TOTAL EQUIPMENT-POLICE</b>		<b>\$ 593,000</b>

Agenda Item #9

*RE: Purchase of New City Seal*

Council Members:

The City Clerk advises that it is necessary to replace the existing City Seal because the existing City Seal is showing signs of age in that it does not always function properly. Pursuant to the attached estimate, the cost is \$1,099.00. Funds are available from casino interest.

Will the Council so approve?



# SOUTHERN



Ph (918) 587-3818  
Fx (918) 587-3819  
Fx (918) 295-8804

FED. ID 73-1019073 Email: [mike@perfectseal.net](mailto:mike@perfectseal.net)  
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2637 E. MARSHALL ST.  
TULSA, OK 74110-4757

**Leonard Lapp**  
Niagara Falls, City of  
PO Box 69  
Niagara Falls, NY 14302

**HOLDING  
FOR APPROVAL**

#2 10-04-2013  
Ph: 716-286-4396  
Email: [Leonard.Lapp@niagarafallsny.gov](mailto:Leonard.Lapp@niagarafallsny.gov)  
Purch: [Shirley.Bernat@niagarafallsny.gov](mailto:Shirley.Bernat@niagarafallsny.gov)

Please proof carefully layouts and descriptions provided. Changes made after approval will result in added charges.

Unit choice is the PerfectSeal™ Heavy Duty "LONG REACH", with a paper depth of almost 5" (4"cc). Die engraving will be as described and includes my exclusive alloy counter. Verify insert direction and engraving depth now!

Heavy Duty units are powered by a solenoid which produces a sharp "snap" on activation and has a TWO YEAR WARRANTY, up to 200,000 cycles, excluding abuses, alteration or work performed by anyone other than manufacturer. Life expectancy is over 700,000 cycles if used as directed.

First time buyers have a 60 day trial approval time on one unit. Should you return the unit, in "as-new" condition, you will receive credit for the unit and options. Your custom die will be installed in a hand seal for the custom die charges.

Shipments are normally made within 10-14 business days after approval is received. Incorrect shipping address or returned packages will have fees added. Purchase Order or payment is required prior to shipment release.

Your sample of impression below is for your approval. Seals are made to permanently mark paper by bending or breaking paper fibers, therefore any connecting lines take a chance of fracturing some papers, especially when new.

Thank you for your request and consideration! I will wait for your reply.

*Mike Forehand*  
Mike Forehand  
President, Patent Owner, Manufacturer

Exact layout to be FULL engraved on a 2" die for a 1-7/8" impression on 1 sheet 20-244 paper. Button Activation, BOTTOM PAGE INSERT. Extra fine detail may be lost. Connecting lines on art paper. No die performance warranty.



## 1 Unit

PerfectSeal™ Heavy Duty **LONG Reach**

w/Button Activation \$790.00  
Custom Brass Die, Alloy Counter & Install \$190.00  
Excess Time Art/Engraving (1.2hr) \$90.00  
Ground Freight & Ins \$29.00

**Total  
\$1,099.00**

E: [mike@perfectseal.net](mailto:mike@perfectseal.net) Fx: 1-888-826-4304

APPROVED (proceed)  CHANGES REQ'D

By \_\_\_\_\_  
SIGNATURE AUTHORIZES ORDER AND USE OF CREDIT CARD

Fed ID (req'd) \_\_\_\_\_

Pymt: Check  Visa  M/C  Amex  PO

Card or P.O. No. \_\_\_\_\_  
CARD HOLDER AGREES TO NO CHARGE BACK OR DEFAULT OF PAYMENT

Security Code (3) \_\_\_\_\_ Expire Date \_\_\_\_\_

Card Billing Address \_\_\_\_\_ ZIP \_\_\_\_\_

**Ship To:**  
City of Niagara Falls  
745 Main St, Room 114  
Niagara Falls, NY 14301  
C/O: Leonard Lapp

#2: Change zip code for delivery address.

Agenda Item #10

*RE: Participation by NFPD and United States Marshalls Service Regional Fugitive Force*

*Task*

Council Members:

The superintendent of police has requested that the City participate in the Regional Fugitive Task Force created by the United States Marshalls Service. The mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest. The intent of the task force is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime.

The police superintendent would like to designate two sworn officers to participate in this task force. Any overtime incurred as well as travel will be reimbursed by the Marshalls Service depending on asset forfeiture funding. The agreement may be terminated on thirty (30) days prior written notice.

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

Agenda Item #11

***RE: Approval to pay Medical Expenses of Kimberly Stanek in the amount of \$35.52***

Council Members:

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

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>
Cardamone Chiropractic	10/03/2013	\$ 35.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

RELATIVE TO NOTICE OF SUBMISSIONS OF PROPOSED  
2014 EXECUTIVE BUDGET AND PUBLIC HEARING

BY: Council Chairman Glenn Choolokian  
Council Member Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Kristen Grandinetti  
Council Member Charles A. Walker

**WHEREAS**, on October 1, 2013, the Mayor of the City of Niagara Falls duly submitted to the City Council the proposed 2014 Executive Budget for the City of Niagara Falls; and

**WHEREAS**, pursuant to Section 5.6a of the Niagara Falls City Charter, this Council shall cause public notice 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, 2013 the proposed 2014 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 October 28, 2013 at 6:00 p.m. Daylight Saving Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2013 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.

**CITY OF NIAGARA FALLS, NY  
2014 PROPOSED BUDGET  
SUMMARY OF APPROPRIATIONS & REVENUES**

BUDGETARY FUNDS	APPROPRIATIONS (EXPENDITURES)	GENERAL FUND TRANSFERS	REVENUES	
			OTHER	PROPERTY TAX
A GENERAL FUND	\$82,969,867	\$2,551,818	\$54,869,867	\$25,548,182
CE SURFACE LOT FUND	482,404		482,404	0
CR PARKING RAMP FUND	470,035		470,035	0
GC GOLF COURSE FUND	1,189,746		485,746	704,000
L LIBRARY TRANSFER	1,847,818		0	1,847,818
T TOURISM FUND	1,512,294		1,512,294	0
V DEBT SERVICE FUND	7,371,317		7,371,317	0
<b>GRAND TOTAL:</b>	<b><u>\$95,843,481</u></b>	<b><u>\$2,551,818</u></b>	<b><u>\$65,191,663</u></b>	<b><u>\$28,100,000</u></b>

	<u>2013</u>	<u>2014</u>	<u>INC/(DEC)</u>	
<b><u>AMOUNT TO BE RAISED BY PROPERTY TAX</u></b>	\$28,100,000	\$28,100,000	\$0	
<b><u>ASSESSED VALUATION OF TAXABLE PROPERTY</u></b>				<u>INC/(DEC)</u>
HOMESTEAD	869,075,293	873,994,419	\$4,919,126	0.0056602
NON-HOMESTEAD	418,760,506	418,268,247	(\$492,259)	(0.0011755)
HOMESTEAD - BASE PROPORTION	54.61976	55.11163	20%	
NON-HOMESTEAD - BASE PROPORTION	45.38024	44.88837		
<b><u>PROPERTY TAX RATE PER \$1,000</u></b>				<u>INC/(DEC)</u>
HOMESTEAD	\$17.660326	\$17.719070	\$0.058744	0.0033263
NON-HOMESTEAD	\$30.451409	\$30.156800	(\$0.294609)	(0.0096747)

**RELATIVE TO THE NIAGARA FALLS KIWANIS BASH AGAINST THE BULLIES**

BY:

Council Chair Glenn Choolokian  
Council Member Robert A. Anderson, Jr.  
Council Member Sam Fruscione  
Council Member Kristen Grandinetti  
Council Member Charles Walker

**Whereas**, Kiwanis is a selfless international organization of great acclaim and accomplishment that is made up of 7,000 clubs across the world, and

**Whereas**, Niagara Falls Kiwanis is the third oldest Kiwanis Club in the world with a distinct heritage reaching back in service for a century, and

**Whereas**, the contemporary social scourge of bullying which negatively impacts our children in and out of a school setting needs to be addressed for the good of our society, and

**Whereas**, Niagara Falls Kiwanis is working to “Bash Against the Bullies” on Sunday October 20<sup>th</sup> 2013 from 1 PM to 7 PM at the Frontier Fire Hall 2176 Liberty Drive in Niagara Falls with this very special public event to raise awareness and raise funds to end bullying, and

**Whereas**, this Kiwanis event will draw the greater Niagara Falls community together in a spirit of cooperation and concern for the social and emotional lives of our children by working to counteract the negative impact of bullying,

**Therefore**, we the Niagara Falls City Council do recognize the Niagara Falls Kiwanis Club and we do support the “Bash Against the Bullies” which represents a grass-roots community based effort to end bullying among our children while reminding us that when we demonstrate that “Bullies Are Losers” we are all winners.

**RELATIVE TO DECLARING OCTOBER 20-26, 2013 AS “FREEDOM FROM WORKPLACE BULLIES WEEK”**

BY:

Council Chair Glenn Choolokian  
Council Member Robert A. Anderson, Jr.  
Council Member Sam Fruscione  
Council Member Kristen Grandinetti  
Council Member Charles Walker

**Whereas**, it is in the interest of the city of Niagara Falls to promote the social and economic well being of its employees and residents, and

**Whereas**, it is critical that measures be taken whenever and wherever practicable to guarantee a work environment that is safe, healthy and abuse-free, and

**Whereas**, scientific and social studies have documented that stress-related health consequences for individuals do result from exposure to abusive work environments, and

**Whereas**, abusive work environments can create costly consequences for employers, including reduced productivity, absenteeism, turnover, employee health-related expenses, and if left unchecked, costly litigation, and

**Whereas**, protection from abusive work environments should apply to all workers in any work environment in order to guarantee that the workplace be made bully-intolerant and ultimately bully-free.

**Therefore**, we the Niagara Falls City Council do proclaim October 20 through 26, 2013 to be “Freedom From Workplace Bullies Week” in Niagara Falls, and we further recognize the need to inform the public as to the negative impact that bullying has in the workplace and ultimately in society.

**RELATIVE TO THE SEVENTH PASTORAL ANNIVERSARY OF REV. RAYMOND H. ALLEN, BETHANY MISSIONARY BAPTIST CHURCH**

BY:

Council Chair Glenn Choolokian  
Council Member Robert A. Anderson, Jr.  
Council Member Sam Fruscione  
Council Member Kristen Grandinetti  
Council Member Charles Walker

**Whereas**, it is important that we recognize those individuals, organizations and institutions that strive to make our community stronger, healthier and more spiritually aware, and

**Whereas**, Reverend Raymond H. Allen, Pastor of Bethany Missionary Baptist Church, located at 2002 Forest Avenue in Niagara Falls, has faithfully served as pastor to his congregation for seven years, and

**Whereas**, On Sunday October 13, 2013 at 4 PM the congregation of Bethany Missionary Baptist Church will gather in a spirit of faith and celebration to recognize the Seventh Pastoral Anniversary of Reverend Allen, and

**Whereas**, Pastor Allen - joined by his wife, Reverend Lora Allen - has joyfully labored through the grace of The Lord to guide his congregation, and provide for the spiritual needs of the greater Niagara Falls community in a manner that has made him a distinguished resident of our city

**Therefore**, we the City Council of Niagara Falls do hereby recognize and honor Reverend Raymond H. Allen, upon his Seventh Pastoral Anniversary in service to the congregation of Bethany Missionary Baptist Church, and we wish Pastor Allen and his congregation a most holy and joyful celebration.

Meeting 10-15-2013

Tuesday October 15, 2013 Council Meeting

PRESENTATIONS:

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ADMINISTRATIVE UPDATE: