

Agenda Item #1

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of November 2012.

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001				
A012	Vital Statistics		\$ 4,534.00	\$ 4,534.00
A1255-004				
A013	Copies of Records		\$ 628.00	\$ 628.00
A1255-004				
A013	Certificates of Marriage		\$ 410.00	\$ 410.00
A2501-006				
A042	Tour Agency		\$ 350.00	\$ 350.00
A2501-006				
A042	Tour Agency Additional Site		\$ 100.00	\$ 100.00
A2501-011				
A044	Peddler		\$ 25.00	\$ 25.00
A2501-014				
A046	Electrician - Active		\$ 500.00	\$ 500.00
A2501-014				
A046	Electrician - Inactive		\$ 320.00	\$ 320.00
A2501-014				
A046	Electrician - Exam Fee		\$ 40.00	\$ 40.00
A2501-016				
A047	Stationary Engineers		\$ 3,150.00	\$ 3,150.00
A2542-000				
A053	Dogs/NYS Agr. & Mkts	\$ 225.00	\$ -	\$ 225.00
A2542-000				
A053	Additional Dogs		\$ 2,300.00	\$ 2,300.00
A2545-001				
A054	Marriage License/NYSHD	\$ 922.50	\$ 307.50	\$ 1,230.00
A1255-002				
A123	Commissioners of Deeds		\$ 25.00	\$ 25.00
A2501-599				
A130	Horse Drawn Carriages		\$ 150.00	\$ 150.00
A2545-023				
A318	Hunters/NYS DEC RAU	\$ 675.61	\$ -	\$ 675.61

A2545-023 A318	Hunters Fees		\$ 39.39	\$ 39.39
A1255-003 A499	Notary Fee		\$ 4.00	\$ 4.00
A1255-005 A528	Dog Release		\$ 400.00	\$ 400.00
TA63008 A597	Marriage Performance		\$ 950.00	\$ 950.00
A1255-006- A696	Photos/passport-license		\$ 18.00	\$ 18.00
TOTAL:		<u>\$ 1,823.11</u>	<u>\$ 14,250.89</u>	<u>\$ 16,074.00</u>

Check #	<u>60851</u>	NYS Dept.of Arg. & Mkts	\$ 225.00
Check #	<u>60814</u>	NYS Health Department	\$ 922.50
Check #	<u>ET</u>	NYS DEC RAU	\$ 675.61

Agenda Item #2

A contract for the above referenced project was awarded to Foit-Albert Associates, P.C. on May 29, 2007 in the amount of \$555,000.00.

As a result of the additional professional services that were required by Foit-Albert for construction management and inspection services due to the issues related to Sue-Perior's reluctance in executing the construction of 10th Street in a timely manner in accordance with the contract plans and specifications, the consultant incurred additional costs and is requesting a supplemental agreement for the balance of service already provided in the sum of \$81,150.35.

On May 14, 2012, the City Council had approved Change Order #3, where funds were moved from the construction line to the construction inspection line to compensate the partial amount due Foit-Albert for the addition work that was required. Until construction begins again on this project, the NYSDOT will not be able to process the request for additional project funding. Currently no work has progressed on the project given pending litigation.

As was stated in the Change Order #3, it is the intent to recover these additional costs for contract administration and construction inspection services from the contractor and/or his bonding company given his non-compliance and substandard workmanship.

Also in Change Order #3, compensation for this current requested change order could also be funded by a future agreement from the New York State Department of Transportation. It will not be determined if funds would be available by the NYSDOT until construction begins again at some future date.

Therefore it is the recommendation of the undersigned that Change Order #4 be approved in the amount of \$81,150.35. By approving this Change Order #4 the contract total for the project would be increased to \$1,685,197.35.

Funding for this change order is available in Code H0921.9901.0000.0900.H0632.

Will the Council vote to so approve and authorize the Mayor to execute a contract for a supplemental agreement to Foit-Albert Associates in a form acceptable to the Corporation Counsel?

Agenda Item #3

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

TO: DCB Elevator Company, Inc.
PO Box 426
Lewiston, NY 14092

FOR: Annual Maintenance of elevators in various City Buildings:	\$42,360.00
Emergency call back service:	305.00

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 five (5) vendors. Two (2) bids were received. The above referenced company submitted the lowest bid. A bid was also received from Thyssenkrupp Elevator Corp. for \$87,345.48 (emergency call back service \$263.00) This is a cooperative bid with the Niagara Falls Water Board. Of the above listed annual cost the Water Board will pay \$8,040.00.

Funds for this expenditure are available in various City Departments, Repair to Equipment code: .0444.000.

Agenda Item #4

It is desirable that the City Council have access at all times to high quality legal advice. Accordingly, it is desirable to continue the consulting services provided by Morton H. Abramowitz. The cost of such services is \$848.00 per month (\$10,176.00 per year). Funding is available from the City Council consultant budget line.

Will the Council so approve and authorize the Mayor to execute the enclosed Consulting Services Agreement?

Agenda Item #5

The August 11, 2012 HRC Event featuring KC and the Sunshine Band (the “Artist”) was cancelled during the Event because of inclement weather. The Co-Promotion Agreement entered into by and between the City and HRC allows the parties to reschedule the Event with the same Artist at a mutually convenient time for all parties or, if rescheduling the event is not able to occur, HRC will refund the City’s contribution to the cost of the Event. In this case, that contribution was \$42,000.00.

HRC has been working to reschedule the Event with the Artist and during the City Council meeting held on November 13, 2012, the City Council approved the rescheduling date of the Event featuring KC and the Sunshine Band for August 10, 2013 with an alternate date of August 31, 2013. HRC is making all efforts to promote and carry out this Event as planned.

However, notwithstanding the foregoing and in an effort to eliminate any question about HRC’s performance of the terms and conditions contained in the Co-Promotion Agreement, HRC, in a gesture of corporate good will, has tendered a check made payable to the City of Niagara Falls in the amount of \$42,000.00 to reimburse the City for its contribution to the cost and expenses of the cancelled Event as per the Co-Promotion Agreement.

Will the Council so approve and authorize this \$42,000.00 reimbursement to be deposited into the Tourism Fund Balance?

Agenda Item #6

The City Council recently approved Co-sponsorship of the Hard Rock Café - New Year's Eve Event to take place on December 31, 2012. Part of that event features a Guitar Drop down the side of the United Office Building facing Old Falls Street. The Guitar will be dropped from the 16th floor down to the 8th floor.

The City has been asked to contribute the sum of \$3,500.00 towards the cost of materials and structural modifications to facilitate the guitar drop. Global Spectrum/Old Falls Street has agreed to contribute matching funds in an amount up to \$3,500.00.

Funding is available from Tourism Fund Balance. Will the Council so approve?

Agenda Item #7

As a result of severe adverse financial problems in the City which are primarily attributable to the ongoing dispute between the State and the Seneca Nation of Indians which has resulted in the City not receiving casino revenues since 2009, the City finds itself unable to fund USAN's economic development activities, including the management of Old Falls Street. Despite this, it is proposed that USAN continue these activities without cost to the City in calendar year 2013.

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

Agenda Item #8

RE: Dedication Deed for Hope VI Phase I Project
Alley Beech Avenue/Calumet Avenue (proposed)
from Aaron Griffin Way east 357 +/- feet
Alley Eagle Heights/Diamond Park Lane (proposed)
From Center Avenue to Calumet Avenue
Calumet Avenue
Diamond Park Lane (North)
Diamond Park Lane (South)
Eagle Heights

Council Members:

Attached (on file in the Clerk's Office) is a proposed Dedication Deed for the above streets and alleys in Phase I of the Hope VI Project.

On January 23, 2008 the Planning Board approved the revised subdivision plan setting forth these streets.

This Dedication Deed has been approved by the Corporation Counsel as to form and execution and by the City Engineering Department.

It is recommended that Council accept this Deed and direct the City Clerk to have Deed filed in her office and recorded in the Niagara County Clerk's office.

Will the Council so approve?

Agenda Item #9

I hereby reappoint William Robideau (Jamie) of 632 Maple Avenue, Niagara Falls, New York to the Historic Preservation Committee with a term ending December 31, 2016.

Will the Council so approve?

Agenda Item #10

*RE: Request for Approval to Settle and Pay Claim of Elizabeth Parsnick
4217 McKoon Avenue, Niagara Falls, New York 14305*

Council Members:

Date Claim Filed:	August 31, 2012
Date Action Commenced:	N/A
Date of Occurrence:	August 27, 2012
Location:	506 75 th Street
Nature of Claim:	Automobile damage sustained from falling tree limb.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$968.52
Make Check Payable to:	Elizabeth Parsnick
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?

Agenda Item #11

*RE: Request for Approval to Settle and Pay Claim of Bruce Reynolds, III
908 87th Street, Niagara Falls, New York 14304*

Council Members:

Date Claim Filed:	October 25, 2012
Date Action Commenced:	N/A
Date of Occurrence:	October 10, 2012
Location:	Firehouse 8 parking lot, 320 Hyde Park Blvd.
Nature of Claim:	Automobile damage sustained while on duty with Niagara Falls Fire Department.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim, contractual obligation.
Amount to be Paid:	\$394.72
Make Check Payable to:	Bruce Reynolds, III
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?

Agenda Item #12

Attached (on file in the City Clerk's Office) is the approval from the Niagara Falls Historic Preservation Commission recommending designation of 763 Portage Road, Oakwood Cemetery, as an historic landmark under the City Historic Preservation Ordinance. This proposed designation was approved with the participation of the cemetery association.

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 763 Portage Road, Oakwood Cemetery, and forward the designation to the Mayor for approval, as provided by City Ordinance?

**RELATIVE TO HONORING SUPERINTENDENT
JOHN R. CHELLA
NIAGARA FALLS POLICE DEPARTMENT**



BY:

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

WHEREAS, on December 31, 2012, Superintendent John R. Chella of the Niagara Falls Police Department will be retiring from the Niagara Falls Police Department after 42 years on the force; and

WHEREAS, an up through the ranks Falls police officer, Chella was appointed superintendent in 2004 and has led the Niagara Falls Police Department through some very challenging times; and

WHEREAS, Chella began as a patrol officer, serving in what was then called the Street Crimes Unit. He served a term as deputy superintendent under Superintendent Ernest Palmer and was also a detective and longtime lieutenant in the Narcotics Division before moving up to the department's chief; and

WHEREAS, Chella oversaw the move of the department from the old Public Safety Building on Hyde Park Boulevard to the new headquarters on Main Street. He has also been credited with working hard to improve relations between police and the community and with making significant investments into proactive, intelligence based policing.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council congratulates Superintendent John R. Chella upon his retirement and wishes him well in his future endeavors.



**RELATIVE TO RETIREMENT
DEAN W. SPRING
PURCHASING AGENT
FOR THE CITY OF NIAGARA FALLS**

BY:

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

WHEREAS, Dean W. Spring will be retiring from the City of Niagara Falls on December 31, 2012; and

WHEREAS, Dean started with the City on July 2, 1979 and has served as the City's Purchasing Agent ever since. Dean's active involvement in the City's Purchasing functions will leave the City with a positive impact that will carry the City through many more years of sound Purchasing practices.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council of the City of Niagara Falls, New York, recognize the 33 years of service of Dean W. Spring with the City of Niagara Falls and wish him well on his retirement.

RELATIVE TO RECOGNIZING - **GERALDINE “GERI” MONDI**
CITY COUNCIL SECRETARY FOR THE CITY OF NIAGARA FALLS



BY:

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

WHEREAS, Geraldine “Geri” Mondy will be retiring from the City of Niagara Falls on on December 31, 2012. She was appointed as the Secretary to the Niagara Falls City Council on April 1, 2002; and

WHEREAS, a life-long resident of the City of Niagara Falls, Geri was previously employed with the New York State Senate as the District Office Director in Niagara Falls for former NYS Senators Anthony R. Nanula and Alfred Coppola from 1993 to 2002. She was a previous member of the Business and Professional Business Women of Niagara, a previous volunteer for the Niagara Falls Firefighters Christmas Toy Fund and the Annual Lord’s Day Dinner and a previous member of the Niagara Falls City, County and State Democratic Committee. Geri received the “Good Neighbor Award” presented by WHLD Radio and Tops Friendly Markets in 1993, the Pine Avenue Business Association’s “Employee of the Year” Award in 1996, the “Woman of the Year” Award in 1997 from the Business and Professional Women of Niagara and the “Outstanding Service Award” from the Niagara Falls Block Club Council in 1998. In 1999 both Geri and her husband, Tony, received the “Niagara Falls Firefighters Christmas Toy Fund Award” for over 20 years of voluntary service to the Toy Fund; and

WHEREAS, we thank her for all her years of dedicated service to thirteen (13) different council members, three (3) Mayors and various community groups, associations, boards and commissions. She has assisted both residents and businesses and multitudes of people throughout her years as Secretary to the City Council.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council of the City of Niagara Falls, New York, recognize the many years of service of Geri Mondy with the City of Niagara Falls as Council Secretary and wish her well on her retirement.

RELATIVE TO REMEMBERING ARTHUR B. RAY



BY:

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

Whereas, on Friday, December 7th, 2012, lifelong resident Arthur B. Ray, of Niagara Falls, passed away at St. Mary's Hospital; and

Whereas, Arthur attended local schools including Niagara Falls High School and Niagara County Community College. He opened the accounting firm A.B. Ray & Associates, where he continued to work along with his daughters until his illness; and

Whereas, Arthur was the first African American to serve on the Niagara Falls Board of Education during the 1960's and early 1970's. He served on many civic groups including the Rotary International and Black Pioneers. He served as Deacon at Emmanuel Baptist Church.

Now Therefore Be It Resolved, that the members of the Niagara Falls City Council, offer their condolences to his wife of 60 years, his five children, and the entire Ray Family.

Agenda Item #17

RELATIVE TO THE CONTINUATION OF THE NIAGARA FALLS TOURISM ADVISORY BOARD
AND IT'S APPOINTMENTS

BY:

Council Chair Sam Fruscione

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

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board during 2013;

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

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

BE IT FURTHER RESOLVED that the following individuals are hereby appointed to the City of Niagara Falls Tourism Advisory Board effective January 1, 2013 for the expiration date which appears opposite their names:

<u>APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Adrienne Bedgood - 2256 South Avenue/Niagara Falls,NY 14305	12/31/2013
David Bower – 1057 – 101 st Street/Niagara Falls,NY 14304	12/31/2013
Jerauld Genova – 757 Seymour Avenue/Niagara Falls,NY 14305	12/31/2013
Charles Knoll – 5820 Buffalo Avenue/Niagara Falls, NY 14304	12/31/2013
Mark Mistriner - NCCC Niagara Culinary Institute 3111 Saunders Settlement Road - Sanborn, NY 14132	12/31/2013
Vince Mameli – 462 – 77 th Street/Niagara Falls,NY 14304	12/31/2013
Gay Molnar – 2114 River Road/Niagara Falls,NY 14304	12/31/2013
Randy Ubriaco – 837 – 15 th Street/Niagara Falls,NY 14301	12/31/2013
Lisa Vitello – 4859 Terrace Drive/Niagara Falls,NY 14305	12/31/2013
Laurie Davis – 1316 – 24 th Street/Niagara Falls,NY 14301	12/31/2013
Phillip Villella – 795 Rainbow Blvd/Niagara Falls,NY 14303	12/31/2013
Robert Ventry – 1884 Niagara Avenue/Niagara Falls,NY 14305	12/31/2013

Agenda Item #18

RELATIVE TO APPOINTMENT TO THE
NIAGARA FALLS HISTORIC PRESERVATION COMMISSION

BY:

Council Member Glenn Choolokian

BE IT RESOLVED, that the following individual is hereby appointed to the
City of Niagara Falls Historic Preservation Commission effective immediately:

APPOINTMENT

Matthew A. Green
441 – 21st Street
Niagara Falls, New York 14303
(716) 280-9769

12/31/2014

RELATIVE TO THE REAPPOINTMENT TO THE
NIAGARA FALLS CABLE COMMISSION

BY:

Council Chair Sam Fruscione

BE IT RESOLVED, that the following individual is hereby reappointed to the
City of Niagara Falls Cable Commission effective December 31, 2012, for the
expiration date, which appears opposite his/her name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES</u>
Jerry Genova 757 Seymour Avenue Niagara Falls, NY 14305	12/31/2015

RELATIVE TO EXTENDING A 90-DAY MORATORIUM ON THE
CONSIDERATION OF APPLICATIONS FOR PERMITS
FOR KENNELS AND CATTERIES

BY: Council Member Charles Walker

WHEREAS, the Zoning Ordinance and Comprehensive Plan for the City of Niagara Falls requires that land be used in the City in the most beneficial and convenient manner, preserving relationships among the residential, commercial, industrial and recreational areas within the City, and further requires that the value of land throughout the City be protected and conserved in a manner appropriate to the various districts established by the Zoning Ordinance and further requires the pursuit of gradual conformity of the uses of land and buildings throughout the City and the minimizing of conflicts among the uses of land and buildings in the City; and

WHEREAS, kennels and catteries are a type of use likely to impact adjoining property owners; and

WHEREAS, this Council believes it is important to develop a comprehensive and detailed plan regarding the location of kennels and catteries; and

WHEREAS, this Council established a 90 Day Moratorium of the consideration of applications for permits for kennels and catteries on September 4, 2012; and

WHEREAS, the Planning Board has called a public hearing to gather public input on this matter.

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

1. The previously imposed moratorium on the consideration of permits for kennels and catteries is hereby extended to March 5, 2013.
2. This moratorium is imposed to enable the City to develop a comprehensive and detailed plan which is in concert with the Comprehensive Plan and Zoning Ordinance for the City of Niagara Falls concerning the location and approval of kennels and catteries.

RELATIVE TO STATE LAWS REGARDING ASSAULT WEAPONS

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.

Whereas, an unspeakable act of violence and a tragic loss of life took place on December 14, 2012 at the Sandy Hook Elementary School in Newtown Connecticut, and

Whereas, such senseless acts remain, in many ways, confounding as to the roots of their true nature, there are certain measures that a responsible society can take to guard public safety and protect lives, and

Whereas, the proliferation and availability of assault weapons does contribute to the senseless loss of life as witnessed time and again through such tragedies, and

Whereas, New York Governor Andrew Cuomo does thoughtfully support a toughening of New York State assault weapon laws, and

Whereas, such assault weapons, designed for military and police work, add nothing to the sport of hunting and the act of target shooting as practiced by the overwhelming number of law abiding hunting and target enthusiasts,

Now therefore be it resolved

That the Niagara Falls City Council does support New York State Governor Andrew Cuomo in his desire to strengthen existing New York State laws addressing the sales, ownership and use of assault weapons.