

Monday, March 16, 2015 Council Meeting

PRESENTATIONS:

Seth Piccirillo, Community Development – Disposition of Vacant City-Owned Property

ADMINISTRATIVE UPDATE:

Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of February 2015 the claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

Czewicz, Nicholas c/o Waters & Kraus LLP	In reference to personal injury
Robins, John H c/o Family Farm Ins. Co	In reference to personal injury
Lobianco, Gino 2913 Weston Ave	Vehicle damage caused by city snowplow
Curley, Pamela 3319 B Street	Vehicle damage caused by city vehicle
Turner, Mary c/o Stones Solicitors LLP	In reference to personal injury
Graham, Pamela 1432 Fort Ave	In reference to property damage
Adams, Douglas 380 Grove St Buffalo, NY 14216	Vehicle towed due to ice caused by leaking hydrant
Clarke, Nelson 129 Wallace Ave Buffalo, NY 14214	Vehicle damage sustained from hitting a pothole
Govern, Charles 2137 Robert Drive	Vehicle damage sustained from hitting a pothole
Chong, Cleveland & Linda c/o American Reliable Insurance Co.	In reference to property damage

Dennis, Christopher 3602 Ely Ave	Vehicle damage caused by city vehicle
Chamberlain, John c/o Carman, Callahan & Ingham LLP	In reference to vehicle damage
Mary Kay Wilson c/o Kathleen M. Campbell 556 17 th Street	In reference to property damage
Salciccioli, Anthony 1808 Hyde Park Blvd	In reference to frozen water pipes
Davis, Kendall 440 27 th Street	In reference to vehicle damage
Becker, Kathleen C. 513 72 nd Street	In reference to frozen water pipes
Becker, Kathleen C. 513 72 nd Street	In reference to frozen water pipes
Perna, Katie A. 8423 Lindbergh Ave	In reference to frozen water pipes
Wroten, Calvin 468 22 nd Street	In reference to vehicle towed
Smith, Joel N. 3063 Livingston Ave	In reference to vehicle damage caused by city snowplow
Morinello, Angelo 651 72 nd Street	In reference to frozen water pipes

SUMMONS

Gurkan, Mehmet 9021 St. John Parkway, Apt. 10	#154865
--	---------

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							
February, 2015.							
						CONTROLLER	TOTAL
A1255-001 A012		Vital Statistics				\$ 3,524.00	\$ 3,524.00
A1255-004 A013		Copies of Records				\$ 624.75	\$ 624.75
A1255-004 A013		Certificates of Marriage				\$ 240.00	\$ 240.00
A2501-014 A046		Electrician - Active				\$ 250.00	\$ 250.00
A2501-014 A046		Electrician - Inactive				\$ 40.00	\$ 40.00
A2501-016 A047		Stationary Engineers				\$ 350.00	\$ 350.00
A2542-000 A053		Dogs/NYS Agr.& Mkts	\$ 219.00			\$ -	\$ 219.00
A2542-000 A053		Additional Dogs				\$ 2,369.50	\$ 2,369.50
A2545-001 A054		Marriage License/NYSHD	\$ 540.00			\$ 180.00	\$ 720.00
A1255-002 A123		Commissioners of Deeds				\$ 25.00	\$ 25.00
A2501-009 A127		Helicopter				\$ 750.00	\$ 750.00
A2545-010 A128		Petroleum - Retail				\$ 70.00	\$ 70.00
A2545-010 A128		Petroleum - Storage				\$ 180.00	\$ 180.00
A2545-010 A128		Petroleum - Wholesale				\$ 100.00	\$ 100.00
A2545-023 A318		Hunters/NYS DEC RAU	\$ 7.27			\$ -	\$ 7.27
A2545-023 A318		Hunters Fees				\$ 552.73	\$ 552.73
A1255-003 A499		Notary Fee				\$ 4.00	\$ 4.00
TA63008 A597		Marriage Performance				\$ 450.00	\$ 450.00
A1255-006-A696		Photos/passport-license				\$ 9.00	\$ 9.00
TOTAL:			\$			\$ 9,718.98	\$

Agenda Item #3

Re: Funding for positions that were removed during the Budget Process

Council Members:

During the City Council meeting on January 5, 2015, Item No. 7, pertaining to Funding for positions that were removed during the Budget Process, was tabled. During the City Council meeting held on January 20, 2015, this item was removed from the table and the portion of this tabled item which created the position of SWEET Team Project Coordinator was separated out and approved. It is now requested that this item once again be removed from the table and the portion of this tabled item dealing with the 2015 SWEET Team budget, be separated out and that the item be amended to delete the bi-weekly portion of this item plus fringe benefits because it was previously approved. It is now requested that the balance of the budget for the SWEET Team in the amount of \$42,470 be approved. Funding is available from casino revenues. For this purpose, attached is an amended budget.

Will the Council so approve?

Agenda Item #4

RE: AGENDA ITEM: Federal Budget Finalization - 2015 Department of Housing and Urban Development - Community Development Block Grant, HOME and Emergency Solutions Grant Programs

The City Council approved the Fiscal Year 2015 Consolidated Annual Plan in November 2014. The Consolidated Annual Plan included the Community Development Block Grant (CDBG) Program, HOME, and Emergency Solutions Program (ESG); all funded through annual Department of Housing and Urban Development (HUD) allocations. These budgets were presented to the City Council in draft form, based on estimate, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final Fiscal Year 2015 allocations were approved on February 10, 2015. Cumulatively, the city's final CDBG, HOME and ESG allocation is \$16,369 or 0.59 percent lower than the \$2,775,199 budget previously presented to the community and approved by the City Council. The individual programs are affected as follows:

Draft vs. Actual

Source	DRAFT 2015 ACTION PLAN	HUD 2015 FINAL ALLOCATION	\$ Change	% Change
CDBG	\$2,234,848	\$2,241,544	\$6,696	0.03%
HOME	\$359,489	\$317,911	(\$41,578)	-12%
ESG	\$180,862	\$199,375	\$18,513	10%
TOTAL	\$2,775,199	\$2,758,830	(\$16,369)	0.59%

Year over Year

Source	HUD 2014 FINAL ALLOCATION	HUD 2015 FINAL ALLOCATION	\$ Change	% Change
CDBG	\$2,236,738	\$2,241,544	\$4,806	0.21%
HOME	\$359,489	\$317,911	(\$41,578)	-11.57
ESG	\$181,121	\$199,375	\$18,254	10%
TOTAL	\$2,777,348	\$2,758,830	(\$18,518)	-0.67

The Community Development Department proposes the following revisions to the 2015 Community Development Action Plan, to bring the budget estimate in line with the final allocations.

CDBG

City of Niagara Falls - CDBG Admin.	
Draft Budget	\$437,348
Proposed Budget	\$440,348
Change	\$3,000

City of Niagara Falls - construction of a new municipal playground at Hyde Park (replacement)	
Draft Budget	\$123,000
Proposed Budget	\$126,696
Change	\$3,696

HOME

Center City Neighborhood Development Corp.	
Draft Budget	\$119,830
Proposed Budget	\$105,970
Change	(\$13,860)
Center City HOME Breakdown	
<i>Rehab Allocation</i>	\$74,178.90
<i>CHDO Reserve Allocation</i>	\$23,843.32
<i>CHDO Operating Cost Allocation</i>	\$7,947.78
<i>Total</i>	\$105,970

Neighborhood Housing Services	
Draft Budget	\$119,830
Proposed Budget	\$105,971
Change	(\$13,859)
NHS HOME Breakdown	
<i>Rehab Allocation</i>	\$74,179.90
<i>CHDO Reserve Allocation</i>	\$23,843.33
<i>CHDO Operating Cost Allocation</i>	\$7,947.77
<i>Total</i>	\$105,971

City of Niagara Falls Community Development	
Draft Budget	\$119,829
Proposed Budget	\$105,970
Change	(\$13,860)
City of Niagara Falls HOME Breakdown	
<i>Rehab. Allocation</i>	\$74,178.90
<i>Administration</i>	\$31,791.10
<i>Total</i>	\$105,970

ESG

YWCA Carolyn's House and Community Missions of the Niagara Frontier, Inc. Rapid Re-Housing Program and Homeless Prevention	
Draft Budget	\$58,862
Proposed Budget	\$64,797
Change	\$5,935

YWCA Carolyn's House-Emergency Shelter and Street Outreach	
Draft Budget	\$35,000
Proposed Budget	\$39,813
Change	\$4,813

Community Missions of Niagara Frontier, Inc.--Emergency Shelter and Street Outreach	
Draft Budget	\$40,000
Proposed Budget	\$44,812
Change	\$4,812

City of Niagara Falls - ESG Admin. (7.5% of total)	
Draft Budget	\$12,000
Proposed Budget	\$14,953
Change	\$2,953

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

Agenda Item #5

SUBJECT: Renewal of Bid #2014-08 Clearing of Vacant Lots

At its meeting of June 24, 2014, the City Council awarded K.J. Smith Enterprises Bid #2014-08 for the furnishing of proper equipment and experienced manpower to clear, cut, and/or mow all vegetation (weeds, brush, etc.) on privately and City-owned lots at a price of \$ 10.50 per man hour and \$ 25.00 per acre (see attached copy of Council letter.) If mutually agreeable, these services may be extended for a second and final year under the same terms, conditions, and specifications. K.J. Smith Enterprises has agreed to this extension.

We recommend the Council approve this extension for a second and final year.

Funds for this expenditure are included in the 2015 Public Works Department budget under Community Beautification, Grass Cutting/Clean Up, code A.8510.0000.0449.080.

Will the Council so approve?



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

OFFICE OF THE MAYOR

Telephone: (716) 286-4310

June 24, 2014

The City Council
Niagara Falls, New York

RE: Bid #2014-08 Clearing of Vacant Lots

Council Members:

At your March 31, 2014 meeting you awarded the above referenced bid to Baker Tree Care (copy attached).

Baker Tree Care has failed to perform under the bid and we therefore request that you terminate Baker Tree Care and award the bid to K.J. Smith Enterprises, 3616 Highland Avenue, Niagara Falls, NY 14305 at its bid amounts of 10.50 per man hour & \$25.00 per acre.

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

Will the Council so approve?

Respectfully submitted,

Mayor Paul A. Dyster

Donna D. Owens, CPM, City Administrator

Shirley A. Bernat, Principal Purchasing Clerk

sk
attachment

Anderson _____ Chololdian _____ Grandinetti _____ Touma _____ Walker _____

Agenda Item #6

RE: Pothole Killers

Council Members:

The Acting Director of the Department of Public Works is recommending that Patch Management, Inc. be engaged once again this year to provide pothole killer trucks, operators, materials and support to the City for 320 patching hours to assist the City in the fight against potholes. This service will commence when weather permits and continue through April 30, 2015. The cost of this service is \$70,000. Attached hereto is a proposed agreement prepared by Pothole Killers.

Funding is available from casino revenues.

Will the Council so approve?

Patch Management, Inc
451 Tyburn Rd.
Fairless Hills, PA 19030



Telephone: 215 949-9400
Fax: 215 949-3166
E-mail: crb@potholekillers.com

EQUIPMENT/ OPERATOR / MATERIAL AGREEMENT

320 HOURS

December 2014 through April 30, 2015

The Honorable Paul A. Dyster,
Mayor, City of Niagara Falls
1785 New Road
Niagara Falls, NY 14302-0069

Shared services proposal between PATCH MANAGEMENT, INC., 451 Tyburn Rd., Fairless Hills, PA 19030 ("PMI") and the CITY OF NIAGARA FALLS, 1785 New Road, P. O. Box 69, Niagara Falls, NY 14302-0069.

INTENT:

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

SCOPE:

- PMI will provide the PK-2000 Patcher Trucks, PMI Operators, the very highest quality of Materials, Service and Support, and GPS Recordings of all repairs, for a time of 320 Patching Hours.

All Inclusive: Patcher Trucks, Materials, PMI Operators, 320 Total Work Hours

TOTAL: \$70,000.00

EFFECTIVE DATE:

- December 2014 through April 30, 2015

Honorable Paul A. Dyster, Mayor, City of Niagara Falls

Date

Craig R. Bacitt, President Patch Management, Inc.

Date

Agenda Item #7

RE: Funding for 2015 ZOOM Team Budget

Council Members:

The Acting Director of the Department of Public Works is requesting that the sum of \$163,800 be made available to fund the ZOOM Team for calendar year 2015. Attached is the budget projection.

Funding is available from casino revenues.

Will the Council so approve?

CITY OF NIAGARA FALLS, NY
2015 ZOOM TEAM BUDGET

2015
AMOUNT

TEMPORARY	120,000.00
OFFICE SUPPLIES	1,000.00
AUTOMOTIVE GASOLINE	13,000.00
CONSUMABLE PRINTED FORMS	1,500.00
AUTOMOTIVE PARTS	3,300.00
CLEANING/SANITARY	2,500.00
TOOLS	8,219.00
SAFETY SUPPLIES	2,500.00
UNDESIGNATED SUPPLIES	500.00
PHONE EXTENTION CHARGES	500.00
CELLULAR PHONES	1,000.00
POSTAGE	600.00
SOCIAL SECURITY	9,181.00
TOTAL 2015 ZOOM TEAM	\$ 163,800.00

Agenda Item #8

RE: Zipper material requested by DPW/Parks for 2015

Council Members:

The Acting Director of the Department of Public Works is requesting that the sum of \$110,000 be made available for zipper material.

Funding is available from casino revenues.

Will the Council so approve?

Agenda Item #9

RE: Deskofficer Online Reporting System

Council Members:

The Superintendent of Police is requesting that the City acquire software to gather information on crimes for review by appropriate administrators. This application will also be made available to the business community so that self-reporting of crimes may occur, thereby conserving manpower. The intention of this is to assist NFPD in the analysis of trends and the deployment of manpower. This software is provided by Coplogic, Inc. and is obtained as a sole source item.

The one-time setup implementation fee is \$11,000, plus license and maintenance fees for the first year of \$5,000.

Funding is available from Account Code H0911.2009.0911.0250.007.

Annual maintenance fees of \$5,000 in future years will be paid out of the Police Department operating budget.

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

Agenda Item #10

RE: Reorganization and Class Upgrade in the Corporation Counsel's Department

Council Members:

The City's Corporation Counsel Department, has in its structure an Account Clerk, Grade 7 position at an annual salary of \$33,169 that is currently vacant. It is requested that the Account Clerk, Grade 7 position be eliminated and replaced with a Legal Secretary, Grade 12 at an annual salary of \$29,151. This will ensure that the department recruits at a level of experience necessary to perform the essential functions of the position and provide continuity within the department.

This reorganization and class upgrade may be accomplished at this time and achieve a savings of \$4,018 in base salary amount.

Will the Council so approve the elimination of an Account Clerk, Grade 7 position and the creation of a Legal Secretary, Grade 12 position, effective immediately?

Agenda Item #11

RE: Reorganization/Class Upgrade in the Department of Parks & Public Works

Council Members:

The Department of Parks and Public Works, has in its structure an Administrative Assistant – Public Property position, Grade 17, at an annual salary of \$42,382. This position was downgraded from a Grade 19 as a part of the City’s Retirement Incentive. However, posting at the budgeted grade did not provide sufficient promotional opportunity to yield any applicants. A class upgrade to Grade 18 was requested and approved by the City Administration based upon recruitment difficulty. This one level class upgrade complies with objectives of the Retirement Incentive as it is still a downgrade from the previous Grade 19 position.

The position has been temporarily filled pending Council approval of the replacement of Administrative Assistant – Public Property, Grade 18 at an annual salary of \$43,716; an increase of \$1,334. Funds are available in the department’s biweekly line because the position has been vacant for approximately 8 weeks and will not impact the total personnel appropriation.

Will the Council so approve the class upgrade of the Administrative Assistant-Public Property position to Grade 18, effective on the date of appointment?

Agenda Item #12

RE: Request for Approval to Settle and Pay Claim of James Davis IV
1704 16th Street, Niagara Falls, NY 14305

Council Members:

Date Claim Filed:	December 15, 2014
Date Action Commenced:	N/A
Date of Occurrence:	December 12, 2014
Location:	1704 16 th Street, Niagara Falls, New York
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Scott R. Bruno
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,282.50
Make Check Payable to:	James Davis IV
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 #13

RE: Request for Approval to Settle and Pay Claim of GEICO General Insurance Company
C/O 170 Franklin Street, Suite 500, Buffalo, New York 14202

Council Members:

Date Claim Filed:	June 15, 2012
Date Action Commenced:	April 3, 2013
Date of Occurrence:	May 31, 2012
Location:	I-190 Exit Ramp (northbound), Town of Niagara
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Gerald Strassburg
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$7,020.37
Make Check Payable to:	GEICO
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Agenda Item #14

RELATIVE TO HONORING BISHOP BRIAN KEITH WILLIAMS

BY:

Council Chairman Andrew Touma

Council Member Robert Anderson, Jr.

Council Member Glenn Choolokian

Council Member Kristen Grandinetti

Council Member Charles Walker

WHEREAS, Pastor Stanley L. Johnson Sr. and the New Testament Revival Cathedral at 1002 Niagara Avenue in Niagara Falls, New York will host Bishop Brian Keith Williams from March 26th to the 28th, 2015, and

WHEREAS, Bishop Williams has traveled over 3 million miles around the globe throughout his 38 years as a preacher, and

WHEREAS, Bishop Williams is an accomplished church leader, overseeing All Nations Church in Columbus Ohio, founding the BKW Impartation Institute, raising up 6 Bible Schools, ordaining 500 ministers, and sending out 43 pastors and 6 bishops, and serving as the presiding prelate of the Apostolic Network of Churches International, now

THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby welcomes Bishop Williams to the City of Niagara Falls, and wishes him all the best both during his stay in our city and beyond.

Agenda Item #15

**RELATIVE TO APPOINTMENTS TO THE
NIAGARA FALLS FINANCIAL ADVISORY PANEL**

BY:

Council Chairman Andrew Touma

BE IT RESOLVED, that the following individual is hereby appointed to the
City of Niagara Falls Financial Advisory Panel effective immediately, filling a vacancy created by the
resignation of Doreen O'Connor, for a term expiring on the date that appears opposite his name:

APPOINTMENTS

Michael J. Tyrpak	12/31/2015
824 Maple Avenue	
Niagara Falls, NY 14305	

**AUTHORIZING THE USE OF CITY BUILDINGS AS POLLING PLACES
FOR ANNUAL SCHOOL BOARD ELECTION**

BY:

Council Chairman Andrew Touma
Council Member Robert Anderson, Jr.
Council Member Glenn Choolokian
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, the annual Niagara Falls City School District election will be held on Tuesday, May 19, 2014, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby approves the request outlined in the attached letter from the Niagara Falls City School District.

Agenda Item #17

RELATIVE TO
**RETAINING SPECIAL COUNSEL TO THE
CITY COUNCIL FOR THE PURPOSE OF REFORMING THE CITY CHARTER**

BY:

Council Chairman Andrew Touma

Council Member Robert Anderson

Council Member Glenn Choolokian

Council Member Charles Walker

WHEREAS, the City Council of the City of Niagara Falls retained special counsel to work with the City Corporation Counsel to reform the City Charter in 2014 and made considerable progress to this end, and

WHEREAS, the City Council of the City of Niagara Falls deems it advisable to retain independent counsel for a period of six months to continue to work with the City Corporation Counsel to assist in the City Council's efforts to reform the Niagara Falls City Charter,

NOW, THEREFORE BE IT RESOLVED, that Mr. Robert M. Restaino be and hereby is appointed Special Counsel to the City Council of the City of Niagara Falls at a monthly retainer of \$1000.00, for a period of six months, to conclude on September 30, 2015, and

BE IT FURTHER RESOLVED, that Mr. Restaino will serve at the pleasure of the City

Council without any benefits, with the funds for the current year being available in the 2015 Budget under the Consultants line of the City Council's budget, A1010.1010.0451.000.