

Agenda Item #1

*RE: Items needed by Niagara Falls Police Department (“NFPD”) SWAT Division*

Council Members:

The Police Superintendent advises that it is desirable and, in some cases, necessary to purchase items to be utilized by the NFPD SWAT team, inclusive of a vehicle. The SWAT team presently operates without a vehicle suited for its purposes and it is desirable for the NFPD to acquire one such vehicle. In addition, it is also requested that new bullet proof vests be acquired together with various other items which are included on the attached itemized list. This is primarily directed at narcotics enforcement. The sum of \$341,266.00 is requested for this purpose. These items and those costs were included in the NFPD 2014 Capital Budget. The source of the funding is casino revenues.

Will the Council so approve?

Capital Project for Police Department

2014

Narcotics Enforcement

| <i>ITEM</i>                         | PRICE            |
|-------------------------------------|------------------|
| Lenco BearCat – ERT Bullistic Truck | 250671.00        |
| Tactical Vests x20                  | 24804.00         |
| Tactical Level 3 Vests Plates x20   | 11208.00         |
| Tactical Vest Pockets x20           | 3168.00          |
| Tactical Vest "POLICE" patches x20  | 540.00           |
| Tactical Vest Throat protector x20  | 6396.00          |
| Tactical Vest Arm protector x20     | 5520.00          |
| Tactical Vest Groin x20             | 3920.00          |
| Tactical Vest NID x9                | 7290.00          |
| Covert Video Ball Cap               | 1500.00          |
| MicroPin Audio recorder             | 750.00           |
| Bluetooth transmitter               | 1300.00          |
| Camcorder                           | 700.00           |
| DirectLink Crisis Phone System      | 23499.00         |
|                                     |                  |
|                                     |                  |
|                                     |                  |
| <b>TOTAL</b>                        | <b>341266.00</b> |

Agenda Item #2

*RE: Pothole Killer*

Council Members:

The City finds itself once again in need of the services of the Pothole Killers. Attached hereto is a copy of a proposal from Patch Management, Inc. for year 2014 to provide trucks, operators and materials for 480 patching hours at a cost of \$105,000.00. The DPW Director will coordinate with Patch Management, Inc. for the commencement and conclusion of services.

Funding is available from casino revenues. I take this opportunity to once again remind the Council that Patch Management, Inc. is a sole source item.

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

**RENTAL / LEASE / MATERIAL AGREEMENT**

TM

**480 HOURS**

**February 10, 2014**

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 143002-0069.

**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 period of **480 Patching Hours**.

All Inclusive: Patcher Trucks, Materials, PMI Operators, **480 Total Work Hours**

**TOTAL: \$105,000.00**

**EFFECTIVE DATE:**

April, 2014

---

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

---

Scott P. Kleiger, COO, Patch Management, Inc. Date

Agenda Item #3

*RE: Service Agreement for Niagara Falls City Postretirement Health Benefits Plan*

Council Members:

The City Controller is recommending that the City retain the services of Harbridge Consulting Group, LLC to provide actuarial consulting services relating to the Niagara Falls City Postretirement Benefits Plan in order to be in compliance with Governmental Accounting Standard Number 45. The fees for these services are \$8,000.00 for calendar year 2014. Funding is available from City Controller's Budget line number A.1315.0000.0451.000.

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

Agenda Item #4

***RE: School District of the City of Niagara Falls, OSC – 21 (“OSC”)***

Council Members:

The 2014 Budget contains an appropriation in the amount of \$10,000.00 to the School District to assist in funding the operation of the OSC-21, public access channel (“OSC”). In order to effectuate this, an appropriation agreement with the School District is required.

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

Agenda Item #5

*RE: Parking Consulting Services to be provided to the City*

Council Members:

The City Administrator advises that she has been in discussions with Desman Associates regarding Desman's availability to provide Parking Consulting Services to the City in an effort to implement a series of actions to enhance the City's downtown parking system. Attached hereto is a communication from Desman which details the Consulting Services it will provide at an estimated cost of \$78,000.00 plus anticipated travel expenses in an amount not to exceed \$17,200.00 for a total of \$95,200.00. Funding is available from casino revenues.

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

February 21, 2014

Donna D. Owens, CPM  
City Administrator  
**City of Niagara Falls**  
745 Main Street  
Niagara Falls, NY, 14302-0069

**Re: Implementation of Enhancements to the Downtown Parking System**

Dear Ms. Owens:

DESMAN is pleased submit the attached proposal to again provide parking consulting services to the City of Niagara Falls as it begins the steps to implement the series of actions to enhance its downtown parking system. Based on our brief conversation, it is our understanding that the City wishes to retain DESMAN to guide the City through a series of administrative and programmatic actions intended to: 1) establish an accountable in-house parking program manager, 2) upgrade parking access and revenue control equipment at its downtown garage and lots, 3) re-introduce paid on-street parking with consistent enforcement and, 4) to out-source the program operations to a highly qualified parking operating company. These administrative and programmatic changes have been detailed in the **Downtown Parking Improvement Plan** report DESMAN produced and presented in January 2012. In our view DESMAN's role for this engagement will be to function both as an advisor and as an agent of the City as it takes steps to hire a qualified parking program manager, procure and install new technologically advanced parking equipment and to assist with the solicitation and selection of a qualified parking operator to run the City's field operations (i.e. management, maintenance and enforcement of the off-street facilities and on-street meter system).

DESMAN is uniquely qualified for this assignment because of our knowledge of both your downtown growth and development objectives as well as parking specific needs, challenges and opportunities. The balance of this letter sets forth a proposed scope of work, project team and compensation proposal for this undertaking for your consideration.

**Scope of Work Tasks**

- I. **Presentation of Recommended Downtown Parking Improvement Plan** – Since it has been nearly two years since DESMAN completed and presented its recommendations for enhancing the City's parking system and program, we will review our 2012 plan and, if necessary, update it to reflect current circumstances and make another presentation to key City administrators and City Council, if warranted, to ensure your community leadership is well versed on our proposal.

***Primary Deliverable: Updated Parking Program Enhancement Report & Presentation***

***Travel Assumption:***

- *One 1-day trip to Niagara Falls by two DESMAN staffers to present, discuss and reaffirm the Parking Plan - Not to Exceed \$1,200.00*

- II. Establishment of a Parking Division** – Desman will provide guidance to the City on the hiring of a qualified professional with the skill set to assume the role of the City's parking program administrator. The services DESMAN will provide will include: defining a job description and wage rate for the position, drafting a job opening announcement, recommending appropriate methods and avenues for advertising the position, reviewing resumes of job applicants, participating in the interviews of the job candidates, and recommending the hiring of the most suitable candidate for the position. Once the candidate is hired, DESMAN will work to orient the new hire to what will be his/her evolving responsibilities for oversight and coordination over all aspects of the City's parking program. After the new hire's initial introduction to the role and responsibilities they will have, DESMAN will assist in the creation of a Parking Steering Committee. The intent behind creating a Parking Steering Committee is to establish a body of in-house administrators and possibly civic leaders that will remain informed and supportive of the parking program enhancement initiatives and ensure the highest level of inter-departmental and inter-agency coordination as the program evolves.

***Primary Deliverable: Technical Memorandum on the Creation of a Parking Division & Parking Steering Committee (including a Job Description, Job Advertisement, and Wages & Benefits Recommendation for the hiring of a Parking Manager)***

***Travel Assumption:***

- *One 2-day/1-night trip to Niagara Falls by two DESMAN staffers to conference with City administrators about position creation, hiring process, steering committee appointees and the City organizational chart restructuring - Not to Exceed \$1,600.00*

- III. Procurement and Installation of New Parking Access and Revenue Control System (PARCS) Equipment for City's Off-Street Parking Lots and Garage** – DESMAN will write the PARCS bid specifications document, identify and pre-qualify prospective bidders, review and evaluate bidder's proposals, and recommend the award of a contract to the most qualified bidder. After the bid award, DESMAN will work in conjunction with the City's Parking Manager to oversee the installation and testing of the new parking equipment. DESMAN will ensure that the successful bidder provides the City's Parking Manager the necessary training and on-going support relating to the operations, maintenance and data retrieval from the system.

***Primary Deliverable: Bid Specifications Document for Procurement and Installation of PARCS Equipment***

***Travel Assumption:***

- *One 1-day trip to Niagara Falls by two DESMAN staffers to attend Pre-Bid Conference - Not to Exceed \$1,200.00*

- *One 1-day trip to Niagara Falls by two DESMAN staffers to interview short-listed bidders - Not to Exceed \$1,200.00*
- *Two 1-day/1-night trips to Niagara Falls by one DESMAN staffer for pre-installation meetings and post-installation system testing - Not to Exceed \$1,600.00*

**IV. Procurement and Installation of On-Street Parking Payment Equipment on Selected Downtown Streets** – DESMAN will write the bid specification document for the on-street parking payment equipment, identify and pre-qualify prospective bidders, review and evaluate bidder's proposals and recommend the award of a contract to the most qualified bidder. After the bid award, DESMAN will work in conjunction with the City's Parking Manager to oversee the installation and testing of the new parking equipment and to formulate and execute an information campaign about how the new system works. DESMAN will ensure that the successful bidder provides the City's Parking Manager the necessary training and on-going support relating to the operations, maintenance and data retrieval from the system.

***Primary Deliverable: Bid Specifications Document for Procurement and Installation of On-Street Parking Payment Equipment***

***Travel Assumption:***

- *One 2-day/1-night trip to Niagara Falls by two DESMAN staffers to plan, finalize and obtain approval of on-street system installation - Not to Exceed \$1,600.00.*
- *One 1-day trip to Niagara Falls by one DESMAN staffer to attend Pre-Bid Conference - Not to Exceed \$600.00*
- *One 1-day trip to Niagara Falls by two DESMAN staffers to interview short-listed bidders - Not to Exceed \$1,200.00*
- *Two 1-day trips to Niagara Falls by one DESMAN staffer to monitor system installation progress and testing - Not to Exceed \$1,200.00*

**V. Solicit and Retain a Qualified Private Sector Parking Operator to Assume Responsibility for the Field Operations of the Parking Program** – DESMAN will write a Request for Proposal for Professional Parking System Operations Services, identify and pre-qualify companies that possess the experience and resources to perform the services being sought, review and evaluate the Proposer's RFP submissions, and recommend the award of a contract to the most qualified company. DESMAN will work in conjunction with the City's Parking Manager, the City Solicitor and the Procurement Department to negotiate and finalize a contract with the chosen Parking Operations Company and oversee the start-up/transition from City operations to private operations. DESMAN assumes that this out-sourced contract will encompass the staffing, maintenance, monitoring and revenue collection and reporting of the day-to-day operations of the City's parking lots and garage, as well as the maintenance, enforcement, revenue collection and reporting for the on-street parking system.

***Primary Deliverable: Request for Proposals (RFP) Document for Procurement of Professional Parking Operator Services for the City's On- and Off-Street Parking Systems***

**Travel Assumption:**

- One 1-day trip to Niagara Falls by two DESMAN staffers to conference with City officials concerning desired contract terms and conditions for third party operator - Not to Exceed \$1,200.00
- One 1-day trip to Niagara Falls by two DESMAN staffers to attend mandatory Pre-Proposal Conference - Not to Exceed \$1,200.00
- One 1-day trip to Niagara Falls by two DESMAN staffers to interview short-listed bidders - Not to Exceed \$1,200.00
- One 1-day trip to Niagara Falls by one DESMAN staffer to make contract award presentation to Mayor and Council - Not to Exceed \$600.00
- Two 1-day trips to Niagara Falls by two DESMAN staffers to conduct a 30-day and a 60-day review of third party operator's performance - Not to Exceed \$1,200.00

**VI. On-Call Parking Program Consulting** – As an option, DESMAN staff will be available on an on-call basis for up to six months after both Tasks II and V are completed as described. During this period, DESMAN will be available to the City without charge, and specifically to the Parking Program Manager, on an “as-needed” or “on-call” basis to provide “**Basic Assistance**” such as answering questions, offering suggestions, giving a limited amount of problem-solving advice, and/ or completing a cursory review of the Parking Program’s monthly financial and operational performance. We will provide a total of up to 8 hours of complimentary service during the six month period.

However, if during this six month timeframe the City requests consulting assistance that in our opinion will required more than 8 man-hours to complete, such requests will be treated as “**Extra Services**” and DESMAN will either submit a lump sum fee proposal for the work or offer to perform the work on a time and material basis at our standard hourly billing rates listed below. Our lump sum fee negotiations for any substantial consulting or service request will be based on the nature of the service to be provided, our estimated time commitment and the estimated expenses to be incurred at the time of the request.

**Project Team**

DESMAN’s staff for this engagement will consist of a Parking Planner, a Financial Analyst and an Operations Specialist. Greg Shumate, a Senior Associate with more than 19 years of parking experience will oversee this engagement as the Project Manager and ensure that appropriate DESMAN resources are deployed as needed. Supporting Mr. Shumate will be Gerry Salzman, Parking Planner, Eric Haggett, Financial Analyst and Atul Kapila, Operations Specialist.

**Fee Proposal**

DESMAN proposes to provide the aforementioned services and deliverables on a lump sum basis for each Task (I through V), plus the actual cost of our per trip reimbursable expenses which will not-exceed

the budget limits specified above. Our actual reimbursable expenses will be billed without markup. If any additional travel requests are made by the City beyond those described above, those trips will be billed at \$600.00 per day, per person as long as an overnight stay will not be required. If an overnight stay cannot be avoided, the amount billed will increase by \$200.00 per person, per night.

**Fee for Project Deliverables**

|  |                 |
|--|-----------------|
| Task I - Presentation of Recommended Downtown Parking Improvement Plan             | \$5,000         |
| Task II - Establishment of a Parking Division                                      | \$8,000         |
| Task III - Procurement and Installation of New PARCS Equipment at Lots & Garage    | \$25,000        |
| Task IV - Procurement and Installation of On-Street Parking Payment Equipment      | \$25,000        |
| Task V - Solicitation and Retention of a Qualified Private Sector Parking Operator | \$15,000        |
| <b>TOTAL</b>   | <b>\$78,000</b> |

**Not to Exceed Travel/Expense Budget by Task**

|  |                 |
|--|-----------------|
| Task I - 2 Persons - 1 Day                                     | \$1,200         |
| Task II - 2 Persons - 2 Days & 1 night                         | \$1,600         |
| Task III - 2 Persons - 2 Days and 1 Person - 2 Days & 2 nights | \$4,000         |
| Task IV - 2 Persons - 2 Days and 1 Person - 2 Days & 2 nights  | \$4,900         |
| Task V - 2 Persons - 5 Days and 1 Person - 1 Day               | \$5,500         |
| <b>TOTAL NOT TO EXCEED TRAVEL/EXPENSE BUDGET</b>               | <b>\$17,200</b> |

**Extra Services**

If the City wishes to retain DESMAN for any additional services beyond those described in Tasks I through V and the Basic Assistance described in Task VI, DESMAN will, at the City's option, either submit a lump sum fee proposal or agree to provide the desired service based on our standard hourly rates at the time of the engagement. DESMAN's hourly billing rates for 2014 are listed below.

**HOURLY RATES**

| <u>Employee Classification</u>                        | <u>Hourly Rate</u> |
|---|--------------------|
| Principal/Senior Planner (Greg Shumate).....          | \$265/hour         |
| Associate (Gerry Salzman).....                        | \$185/hour         |
| Project Manager (Atul Kapila).....                    | \$175/hour         |
| Architect/Engineer/Planner (Eric Haggett).....        | \$165/hour         |
| Technician.....                                       | \$145/hour         |
| CADD Operator/Draftsperson.....                       | \$135/hour         |
| Clerical.....   | \$95/hour          |
| Attendance at Hearings/After Hours Presentations..... | \$400/hour         |
| Expert Witness.....                                   | \$450/hour         |
| Litigation Related Consulting.....                    | \$350/hour         |

*Note: Rates are effective through December 31, 2014*

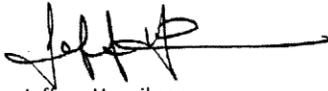
**DESMAN**  
ASSOCIATES

Donna Owens  
City of Niagara Falls, NY  
2/21/14

If this proposal is acceptable, please sign the attached signature page and return. Please feel free to call with any questions or comments. We look forward to again serving the City of Niagara Falls with this important endeavor.

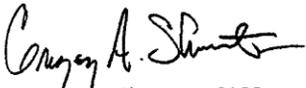
Sincerely,  
**DESMAN, Inc., dba**  
DESMAN Associates

Proposal accepted by:  
**City of Niagara Falls**



Jeffery Henriksen  
Vice President

\_\_\_\_\_  
Name (Print)/Title



Gregory A. Shumate, CAPP  
Senior Associate

\_\_\_\_\_  
Signature

cc: Michael Connor  
Eric Haggett  
Atul Kapila

\_\_\_\_\_  
Date

Attachment: DESMAN, INC. STANDARD TERMS AND CONDITIONS OF AGREEMENT



Agenda Item #6

**RE: City Council Agenda Item:**

**1022 Main Street Protective Ceiling Scaffolding**

**Council Members:**

The 2014 City budget contains an appropriation for much needed repairs to the roof of the Carnegie Building at 1022 Main Street. Part of the work was to include protection of the interior of the building while repairs are under way.

Recently, a large piece of plaster fell from the ceiling in the Leased Housing Office at the Carnegie Building. There is an immediate need to protect the offices, Carnegie Building visitors and City employees from the future possibility of falling plaster. It has been proposed to erect protective scaffolding as soon as possible. The scaffolding will remain in place until the roof repair is complete, which should take approximately 20 weeks. Scaffolding is a required component of the roof repair, this proposal is simply acceleration of phase one to address the aforementioned safety concerns.

Proposals were solicited to install protective ceiling scaffolding in the Leased Housing Office and front entranceway. Only Safespan Scaffolding, LLC submitted a proposal. The proposal is to install the scaffolding in the Carnegie Building entrance and in the Leased Housing Office, and to remove the scaffolding when the roof repair work is complete. The price is \$4,988.00, and includes four weeks of scaffolding rental. Thereafter, the cost of the scaffolding is \$135.00 per week. The work will be paid for from State Finance Law 99-h funds, and is necessary for public safety and infrastructure improvement. Funds are available in budget line H0827.2008.0827.0449.599

Will the Council vote to approve the protective scaffolding contract as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #7

*RE: Replacement of Light fixtures and Light bulbs at the LaSalle Facility Gym*

Council Members:

The Department of Public Works Director has advised that it is necessary to replace light fixtures and light bulbs at the LaSalle Facility Gym as fixtures are failing and unsafe conditions are being created. Attached is a quote from Anderson Electric for updated fixtures and bulbs in the amount of \$3,264.00 and the other is a quote from R.B. Uren Equipment Inc. for the rental of a lift for four (4) weeks in the amount of \$1,500.00 with a delivery and pickup fee of \$130.00. The City is advised by Anderson Electric that a \$2,400.00 rebate will be forwarded to the City by the manufacturer because of the conversion to energy savings fixtures. The total funding needed for this initiative is \$4,894.00 minus the anticipated rebate of \$2,400.00 for a net City investment of \$2,494.00. Attached is a memo from the DPW Director detailing the codes to which funds should be transferred. Funding is available from casino funds.

Will the Council so approve?



**ANDERSEN ELECTRIC SUPPLY CO.**

910 FACTORY OUTLET BLVD.  
 NIAGARA FALLS, NY 14304  
 Phone: 716-283-2030  
 Fax: 716-283-1801

**QUOTE**

| Customer Copy |          |
|---------------|----------|
| Number        | 016000   |
| Date          | 01/16/14 |
| Page          | 1        |

|               |  |                       |  |
|---------------|--|-----------------------|--|
| Ship To:<br>1 | NIAGARA FALLS, CITY OF<br>WILL CALL<br>NIAGARA FALLS, NY 14304 | Bill To:<br>NI0404030 | NIAGARA FALLS, CITY OF<br>CITY HALL, RM 228, MAIN ST.<br>NIAGARA FALLS, NY 14302 |
|---------------|--|-----------------------|--|

| Reference #     | Expires | Ship | Terms       | Wh | Freight | Ship Via  |
|-----------------|---------|------|-------------|----|---------|-----------|
| LASALLE FACILIT | NONE    | CG   | NET 30 DAYS | 01 | PREPAID | WILL CALL |

|               |                   |
|---------------|-------------------|
| Quoted By: CG | Quoted To: Denise |
|---------------|-------------------|

| Item                                   | Description   | Ordered | UM | Price  | UM | Extension |
|--|---|---------|----|--------|----|-----------|
| 78035499520<br>EA8888                  | CS TBN454EB1-8 T-BAY T5 FIX<br>TBLENS-CL CLEAR LENS.GASKETE | 24      | EA | 96.000 | EA | 2304.00   |
|  |   | 24      | EA | 40.000 | EA | 960.00    |
| <p>Approx Rebate: <u>\$2400.00</u></p> |   |         |    |        |    |           |

QUOTE

| Merchandise | Ship | Tax | Freight | Total   |
|-------------|------|-----|---------|---------|
| 3264.00     | .00  | .00 | .00     | 3264.00 |



# R.B. U'REN EQUIPMENT INC.

(24 hour emergency service)

**Niagara Falls Office:**  
1120 Connecting Rd.  
Niagara Falls, NY 14304  
Phone: (716) 283-4466  
Fax: (716) 283-5125  
www.rburen.com

**Rochester Office:**  
110 Newbury Street  
Rochester, NY 14613  
Phone: (585) 254-3330  
Fax: (585) 254-3505

**ATTN:** Tony Pareto  
**TO:** City of Niagara Falls  
1785 New Road  
Niagara Falls, NY 14304

**DATE:** 2/20/2014  
**FAX #:** 716-286-4877  
**PHONE#:** 716-286-4848

**PROPOSAL #:** CNF022014

**QUOTED BY:** Chris Bensch (Mobile #716-695-5050)  
Sales Manager

Thank you for your recent rental inquiry. Below please find rental information regarding the equipment we discussed.

| RENTAL QUOTATION |         |                        |      |                   |                       |                         |
|------------------|---------|------------------------|------|-------------------|-----------------------|-------------------------|
| JLG Model        | Plt Hgt | Description            | Fuel | 8 hour day<br>Day | 5 day / 40 hr<br>Week | 4 wk / 176 hr<br>Month* |
| 4SE              | 45FT    | 2WD, articulating Lift | DC   | \$180.00          | \$550.00              | \$1500.00               |

Delivery (per each truck load) \$65.00

Pick up (per each truck load) \$65.00

Miscellaneous charges \$

Rental Destination: Lasalle Facility A bldg

Date needed: TBD

Plus tax and fuel used at \$5.50 Diesel / \$5.25 Diesel -over 50 Gallons use/ \$5.25 Gas per gallon ( Subject to change based on market price )

Propane: \$35.00 per cylinder ( Subject to change based on market price )

**Comments:** \* Rate is per (4) week rental period. Offer is not retroactive to rentals outside of this proposal. These prices are good for the duration of the continuous rental. When rental billing terminates on qualifying rentals this special offer also ends. Minimum rental period for this offer to apply is four (4) weeks. Discount will be reflected on billing. All units subject to prior rental. Other terms and conditions apply. \*Subject to errors, omissions, deletions and availability.

\*Specifications per manufactures literature\*Prices quoted are valid for 30 days.\*Prices quoted do not include shipping unless stated.

\*Prices quoted do not include any applicable taxes. Rental cannot be applied towards purchase unless specified on this proposal.

**Terms, Conditions, Legal Notes and Customer Responsibilities:**

All ideas and concepts detailed in this proposal have been developed by R.B. U'Ren Equipment, Inc. for Tony Pareto and City of Niagara Falls and are considered by R.B. U'Ren Equipment, Inc. to be of a confidential and proprietary in nature. These ideas and concepts remain the sole property of R.B. U'Ren Equipment, Inc. Tony Pareto and City of Niagara Falls acknowledges and agrees to honor our proprietary right to the contents of this proposal and refrain from disclosing such content or any information to any third party, without the prior written consent of R.B. U'Ren Equipment, Inc. Any unauthorized use of these ideas and concepts is strictly prohibited. All documents and data prepared by or on behalf of R.B. U'Ren Equipment, Inc. with respect to this proposal shall be promptly returned to R.B. U'Ren Equipment, Inc., upon request.

Proposal accepted \_\_\_\_\_

Tony Pareto and City of Niagara Falls

Date

- \* ARRIAL WORK PLATFORMS TO 150' \* SCISSOR LIFTS TO 50' \* GENERATORS TO 1750 KW \* LITE TOWERS \*
- \* FORKLIFTS - R/T & INDUSTRIAL \* PERSONNEL LIFTS TO 40' \* WELDERS \* BUCKET TRUCKS \*
- \* AIR COMPRESSORS \* UNDERBRIDGE TRUCKS \* HEATERS \* AND MUCH MORE \*



# City of Niagara Falls, New York

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

February 21, 2014

To: Corporation Counsel Craig Johnson

From: DPW Director David L. Kinney

Subject: LaSalle Facility Building A Lighting

Light fixtures and light bulbs at the LaSalle Facility Gym need to be replaced as the aged fixtures cannot be repaired.

Lighting levels are becoming increasingly unsafe as more fixtures fail.

Please find attached two quotes one from Anderson Electric for updated fixtures and bulbs, three thousand two hundred and sixty-four dollars (\$3,264) and the other from RB U'Ren for the rental of a lift for four (4) weeks; one thousand five hundred dollars (\$1,500) with a delivery and pickup fee of one hundred thirty (\$130).

After purchase and installation a two thousand four hundred dollar (\$2,400) estimated rebate from the manufacturer is expected for converting to energy saving fixtures.

There are no available funds in the LaSalle Facility Codes and funding would be needed as follows:

|                                  |                |
|----------------------------------|----------------|
| A7141.0200.0419.006              | \$2,304        |
| A7141.0200.0419.599              | 960            |
| A7141.0200.0442.599              | 1,630          |
| <b>Total Funds Needed</b>        | <b>\$4,894</b> |
| <b>Estimate Rebate</b>           | <b>\$2,400</b> |
| <b>Estimated City Investment</b> | <b>\$2,494</b> |

Attach  
cc: Mayor  
DPW Director  
Skilled Trades Crew Leader  
DK/t

Agenda Item #8

*RE: Equipment needed by the Department of Law*

Council Members:

The Corporation Counsel advises that it is necessary to purchase two (2) Microcassette Transcribers at a cost of \$550.00 each to replace equipment that is not functioning properly. In addition, it is also requested that two (2) Microcassette Tape Erasers be purchased at a cost of \$20.00 each (the transcribers are not equipped with this function). This equipment is necessary to assist with the Law Departments dictation needs. The total cost for this equipment is \$1,140.00. Funding is available from casino funds.

Will the Council so approve?

Agenda Item #9

**SUBJECT: Change Order #1 – New Road Corporation Yard Equipment Storage Facility  
General Contractor**

A contract for the above referenced project was awarded to RB Mac Construction Co., Inc. on September 4, 2012 in the amount of \$438,000.00.

During the course of the project, additional necessary site and building work was completed to ensure compliance with applicable codes and various field conditions encountered. The total cost of this additional work is \$16,798.29. This change order to the contract will bring the total revised contract sum to \$454,798.29. Funding is available in code H1119.2011.1119.0449.599.

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

Agenda Item #10

*RE: 2010-2013 Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Fire Department Officers Association, Local 3359*

Council Members:

Attached, please find the proposed 2013 Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Fire Department Officers Association, Local 3359. This proposed Agreement is a four (4) year extension of the parties' collective bargaining agreement.

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

**CITY OF NIAGARA FALLS, NEW YORK**  
**LABOR RELATIONS COMMITTEE**

**NIAGARA FALLS FIRE DEPARTMENT**  
**OFFICERS ASSOCIATION, LOCAL 3359**

**TENTATIVE AGREEMENT**

1. **Term** (§19.1): 1/1/10 through 12/31/13.
2. **Base Pay** (§7.12): 2010 – 1.5% raise in base pay effective July 1, 2010, 1.5% raise in base pay effective December 31, 2010; 2011 – 1.5%; 2012 – 2%, and; 2013 – 1.0% raise in base pay effective July 1, 2013, 1.0% raise in base pay effective December 31, 2013.
3. **Fire Prevention** (§7.10) Amended to read: *“The City agrees that the Chief of Fire Prevention, Chief of Training, Fire Prevention Captain, Master Mechanic, Assistant Mechanic and Equipment Repair Specialist will receive additional compensation of \$5,400.00 per year.”*
4. **Meal Plan** (§8.7 - New): Add the following: *“Employees are required by the City, as a condition of employment, to contribute financially to meals in the Fire Station, at a charge equal to the value of the meal, irrespective of whether the employee chooses to eat the meal. Employees shall be solely responsible for any financial or tax liability regarding this provision. Accordingly, the City shall be held harmless from any such liability. The City shall not be responsible for maintaining records or providing any administration regarding this provision.”*
5. **Sick Leave Verification** (§10.4) Delete Sections 10.4.1, and 10.4.2; add the following: *“The City, at its discretion, will require an employee to verify their illness with verification from their attending physician or medical professional or undergo a medical examination by a medical professional of the City's choosing should the employee utilize three (3) consecutive sick days or ten (10) sick days within a 30 day period. A “Day” pursuant to this subsection shall be one 10 hour day shift or 14 hour night shift depending on the employees regular work schedule.”*
6. **Sick Leave Verification** (§10.4.3) Amended to read: *“An employee on sick leave, with a valid reason to leave the city, town or village of his residence may do so only by requesting and receiving permission of the City's physician or of the Fire Chief. Such permission shall state the condition under which the approval is granted.*
7. **Personal Time Accrual** (§10.7): Add the following: *“Upon election by the employee, unused personal days may be carried over and converted to sick leave*

*days. An employee choosing to carry over personal leave as sick leave days must notify both the Department of Human Resources and their department head prior to December 1<sup>st</sup> of the previous year."*

8. **Bereavement** (§10.10.1): Amend to include: "*son-in-law and daughter-in-law.*"
9. **GML §207-a Program** (New): Policy that is currently in use by the Fire Department is attached hereto.
10. **Continuity**: All other terms and conditions not specifically mentioned herein that are contained in the parties collective bargaining agreement shall remain unchanged and in full force and effect.

Dated: January 31, 2014

City of Niagara Falls, New York

N.F.F.D.O.A., Local 3359

---

Paul A. Dyster, Mayor

---

Gordon Stewart, President

**Procedure for the Administration**  
**of Section 207-a of the**  
**General Municipal Law for the Fire Department**  
**of the City of Niagara Falls, New York**

Section 1. INTENT.

This procedure is intended to implement the express language of Section 207-a of the General Municipal Law (hereinafter "§207-a") and is not intended to reduce any benefit that a firefighter (hereinafter "employee") is entitled to pursuant to §207-a, including any benefit which may be conferred by statute subsequent to the enactment of this policy.

For the purposes of this Article, "business day" shall mean Monday through Friday, excluding any holiday or any other weekday when City Hall is closed for regular business.

On its behalf, the City shall designate the Fire Chief, or his designee, who shall have exclusive authority to make an initial determination of eligibility for 207-a benefits.

Section 2. NOTICE OF DISABILITY OR NEED FOR MEDICAL OR HOSPITAL TREATMENT.

A. An employee or anyone acting on his behalf may claim a right to benefits under §207-a, either because of a new illness or injury or the recurrence of a prior illness or injury, shall make written notice and application for those benefits within ten (10) business days of when the employee knew or reasonably should have known that the illness or injury could give rise to the claim of entitlement to §207-a benefits. The written notice and application shall be presented to the Chief or his designee, or to the appropriate supervisor, on the form contained in Appendix "A". Appendix "A" shall include the following:

- Compensation carrier report with medical authorization
- NYS Fire Casualty Report
- NFFD Special Report
- NFFD work capability sheet
- NYS 207 a application

B. The City will provide the employee, without cost, a copy of the records provided the City pursuant to the authorization as well as any records or reports by physicians, health care providers or other experts who examine the employee on behalf of the City. The medical authorization shall contain a confidentiality statement prohibiting the use or release of said medical records, except for purposes authorized by §207-a and this Procedure, including any hearing arising pursuant thereto.

C. In the event of a physical inability by the employee to give appropriate notice, such notice may be provided by another acting on behalf of such employee. If known, the notice shall describe the nature of the injury or sickness and the name of the treating physician. In the event of the employee's inability due to his injuries to give notice the City shall extend the time frame of Sec 2 (a) to a period of time that shall take his/her injuries into consideration.

D. The failure to satisfy any time limits specified above shall render a notice of filing untimely and shall preclude an award of any benefits pursuant to §207-a of the General Municipal Law; however, the Chief, upon good cause shown by the employee, shall have sole discretion authority to excuse said failure to provide timely notice.

Section 3. STATUS PENDING DETERMINATION OF ELIGIBILITY FOR BENEFITS.

A. The City shall determine the §207-a status of the employee within thirty (30) days of the submission of the completed written notice and application. Should the City fail to determine the employee's status within thirty (30) days, the employee shall be placed on provisional §207-a leave pending a final determination of his eligibility.

1. In the event that an employee placed on provisional §207-a pursuant to Subsection 3(a) above is denied §207-a eligibility and: (1) the employee

does not appeal the denial under Section 7 of this Procedure, or; (2) the employee's appeal is denied, the employee will reimburse the City in time (sick or vacation time) or money, at the option of the employee, for the § 207-a leave advanced.

B. Prior to a final determination of eligibility for §207-a benefits, the employee's work status will be determined by the limits imposed on the employee's work capabilities sheet. If "no duty" is assigned, the employee will be required to use their own sick leave or other time available to him/her until a determination of eligibility is made or a change in the command officer's work status.

Section 4. BENEFIT DETERMINATIONS.

A. In determining the application, the City may require additional information from the employee, interview witnesses and may send the employee to a physician or physicians of its choice for examination, at the City's expense. Should the employee be required to submit to a medical examination, the City shall provide a copy of the physician's report to the employee at no cost.

B. The City's eligibility determination will be made in writing to the employee. Should eligibility be denied, the writing shall set forth in detail any and all reasons for the determination. The City will also provide the employee, without cost, a copy of all information used in connection with the City's determination should eligibility be denied. Should the City receive additional medical information subsequent to its final determination, the same shall be provided to the employee at no cost.

C. Should the employee be awarded §207-a, all leave time used by the employee during the eligibility review period (from the date of injury) shall be restored in full within 14 days. The fire department records shall be the official records for the purposes of this section.

does not appeal the denial under Section 7 of this Procedure, or; (2) the employee's appeal is denied, the employee will reimburse the City in time (sick or vacation time) or money, at the option of the employee, for the § 207-a leave advanced.

B. Prior to a final determination of eligibility for §207-a benefits, the employee's work status will be determined by the limits imposed on the employee's work capabilities sheet. If "no duty" is assigned, the employee will be required to use their own sick leave or other time available to him/her until a determination of eligibility is made or a change in the command officer's work status.

#### Section 4. BENEFIT DETERMINATIONS.

A. In determining the application, the City may require additional information from the employee, interview witnesses and may send the employee to a physician or physicians of its choice for examination, at the City's expense. Should the employee be required to submit to a medical examination, the City shall provide a copy of the physician's report to the employee at no cost.

B. The City's eligibility determination will be made in writing to the employee. Should eligibility be denied, the writing shall set forth in detail any and all reasons for the determination. The City will also provide the employee, without cost, a copy of all information used in connection with the City's determination should eligibility be denied. Should the City receive additional medical information subsequent to its final determination, the same shall be provided to the employee at no cost.

C. Should the employee be awarded §207-a, all leave time used by the employee during the eligibility review period (from the date of injury) shall be restored in full within 14 days. The fire department records shall be the official records for the purposes of this section.

Section 5. ASSIGNMENT TO LIGHT DUTY.

Pursuant to §207-a (3), the City, through the Chief or the Chief's designee, may assign a disabled employee specified light duties, consistent with his/her status as an employee.

The City shall follow the policies and procedures set forth in the light duty policy contained in Appendix "B".

Section 6. TERMINATION OF BENEFITS.

A. Salary payments provided by §207-a (1) shall terminate upon the employee's accidental disability retirement or a performance of duty disability retirement, as set forth in the Retirement and Social Security Law.

B. The City will not discontinue §207-a benefits without the consent of the employee unless the employee's treating physician certifies that he is medically able to return to work and the employee refuses to do so. In the event that the City believes that the benefit should terminate and the employee does not consent, or his physician does not certify that he is able to return to work, whether full duty or light duty, the City may utilize the provisions of Section 7 in order to receive a determination from the arbitrator regarding the employee's continued eligibility for benefits. In the event an arbitrator determines that an employee improperly failed to return to full duty then in such event the arbitrator may direct that the employee's accrued time be charged.

Section 7. DISPUTE RESOLUTION PROCEDURE.

In the event of a dispute concerning entitlement to benefits or the application of this article, the matter will be submitted directly to arbitration pursuant to the rules of the Public Employment Relations Board. A hearing shall be held within sixty (60) days of appointment except that the deadline may be extended upon mutual consent. The arbitrator shall render his decision within thirty (30) days of the closing of the record, including the submission of post hearing arguments. The determination of the arbitrator

shall be final and binding on the City and the employee, but shall not preclude further review at a subsequent date based upon new or supplemental medical or other information. The cost of arbitration shall be borne by the City and provision for a transcript shall be made by the City.

Section 8 DISABILITY RETIREMENT

Consistent with §207-a, the City may file an application on the employee's behalf for retirement under Section 363 or 363-c of the New York State Retirement and Social Security Law. The City shall notify the employee and the employee's Union prior to doing so. Any injured or sick employee who is receiving §207-a benefits shall permit reasonable medical inspections in connection with such an application for accidental disability retirement or performance of duty disability retirement in accordance with Section 6 above.

Section 9. CONTINUATION OF CONTRACT BENEFITS

An employee who is totally disabled shall accrue all contract benefits for the first six (6) months of his total disability. Thereafter, said employee shall not accrue any contract benefit but shall continue to receive regular salary or wages pursuant to §207-a and health care benefits as outlined by the Collective Bargaining Agreement. An employee on light-duty assignment pursuant to Section §207-a will continue to accrue all contract benefits during that assignment.

Section 10. OUTSIDE EMPLOYMENT.

The City and the Union agree that the terms of GML § 207-a relating to outside employment shall apply to any dispute under this article. The question of whether an employee has engaged in conduct violative of § 207-a shall be subject to the provisions of sections 6 & 7 of this article.

Section 11. HAZARDOUS EXPOSURE

An employee who reasonably believes he or she may have been exposed to a health hazard (AIDS, Hepatitis-B, biological or chemical toxins, etc.) as a result of the

performance of his or her duties, may file a hazardous exposure form which will be maintained by the City in the employee's personnel file. A blank form is attached as Appendix "C". Should an employee claim a job-related injury due to exposure to a health hazard, then he or she must comply with the filing requirements contained in this Procedure as well as the requirements contained in this Section.

Section 12. EXCLUSIVITY OF PROCEDURES

These procedures are the sole exclusive procedures for determining an employee's eligibility for benefits under §207-a. As such, an employee shall have no right to challenge decisions of the City regarding eligibility or continued eligibility for §207-a benefits under the grievance machinery included in any collective bargaining agreement to which the employee or his or her collective bargaining representatives are a party. Notwithstanding this exclusivity clause, either party may file a grievance for a violation of these procedures. In that case, the scope of the arbitrator's authority will be solely to determine whether the procedures were complied with or violated.

## Appendix "A"

## Appendix "B"

Appendix "C"

# NIAGARA FALLS FIRE DEPARTMENT

## Light Duty Policy

### I. PURPOSE

To establish policies and procedures of light duty

### II. PREFACE

The Light duty Program is designed to keep an individual involved within the department by utilizing the skills of injured, ill, or other related conditions of uniformed personnel during rehabilitation. It will also allow the department to keep up with the demands placed upon a modern fire department by continuing to manage the diverse services expected by our citizens. Light duty assignments are available to employees with medical disabilities due to either job-related or non-job-related injuries or illnesses. The Light Duty Program may also be utilized for performance related issues and other temporary assignments.

Any employee on light duty shall report to the office of the Fire Chief. Physicians and therapists familiar with the employee's case as well as having the ability to define performance limitations and who are made aware of the job requirements of firefighters shall decide the functional capacities of uniformed personnel. The Office of the Fire Chief will work with the employee and the Occupational Health Center as well as the treating medical personnel to insure that all members are properly rehabilitated before returning to full duty.

During all aspects of the process confidentiality will be maintained and only information necessary for determining the type of work that may be performed will be released. Specific medical information is not to be released without a signed statement from the employee being treated granting such release.

### III. POLICY

Permanent light duty assignments or accommodation agreements shall not be made. Any light duty assignment that is that is required of his/her position will be at the discretion of the Fire Chief and will not normally be for a period greater than 18 months from the beginning of the light duty assignment.

### IV. PROCEDURES FOR LIGHT DUTY ASSIGNMENTS

#### A. Occupational Injury/Illness

1. Any employee being treated for a job related injury shall notify his or her supervisor immediately when he or she is released to light duty by the treating physician. If the supervisor is unavailable, the employee shall notify the Office of the Fire Chief.

2. Any employee released to light duty shall report to the Office of the Fire Chief on the following 40-hour week (Monday – Friday) workday.
3. Assignments for light duty shall follow the treating physician's guidelines in conjunction with labor agreements, Public Employer Risk Management Association (PERMA), and the New York Compensation Laws.
4. At the conclusion of each medical appointment (including initial treatment and diagnosis) it is the employees' responsibility to see that the treating party completes the PERMA Work Capabilities Sheet. The Work Capabilities Sheet is to be delivered to the Office of the Fire Chief by close of business (COB) on the day that treatment is rendered. Exception to this requirement may be granted by the Fire Chief or his/her designee. In addition it is the employees' responsibility that copies of the Work Capabilities Sheet are forwarded to the appropriate parties.
5. It shall be the individual's responsibility to provide weekly medical status updates from the treating physician to the Fire Chief and PERMA if the next appointment is not indicated on the Work Capabilities Sheet.

B. Non-Job Related Injury/Illness

1. Individuals unable to work due to a non-job related injury/illness shall use a minimum of 96hrs of leave or leave without pay prior to submitting a request for light duty. When submitting a request for a light duty assignment, the following procedures shall apply.
2. The individual shall submit a written request for light duty to the Office of the Fire Chief. Included with this letter shall be a completed Work Capabilities Sheet including a statement from the physician addressing the expected duration of disability. Due to medical confidentiality, the cause of the disability for non-occupational injuries does not need to be identified for light duty approval.
3. A determination for a light assignment is based on:
  - a. The types of jobs available
  - b. The benefit to the Niagara Falls Fire Department and the citizens of Niagara Falls.

4. The Fire Department is not under any obligation to provide light duty assignments for individuals who have a non-job-related medical disability. Decisions may be appealed to the office of the City Administrator.
5. It shall be the individual's responsibility to provide weekly updates from his/her physician to the Office of the Fire Chief. The Fire Chief has the responsibility of keeping the Battalion Chief informed as to the status of any assigned members to his/her platoon.

**V. PROCEDURES FOR PERSONNEL ASSIGNED TO LIGHT DUTY**

- A. Personnel assigned to light duty shall report to the Office of the Fire Chief by 0800 hours each day. An exception to this may be made if the light duty assignment is at another work location (Apparatus Shop, Fire Hall, etc) and prior arrangements have been made. Individuals who have medical appointments prior to 0900 hours are exempt from reporting until the completion of their appointment.
- B. Personnel assigned to light duty shall wear the Niagara Falls Fire Department uniform.
- C. Individuals who are on job-related light duty are permitted to attend medical appointments and therapy sessions on city time. Individuals who are in a non-job-related light duty assignment must take leave for the time they are away from the work location to attend medical appointments or treatments.
- D. Individuals are required to provide a Work Capabilities Sheet following each physicians visit.
- E. Attendance at certification training required for an individuals position will be permitted when a person is in a light duty position provided that the training does not conflict with the physical limitations indicated on the Work Capability Sheet.
- F. Personnel assigned to light duty shall be relieved from duty by 1600 hrs each day. Some light duty assignments may require the employee to work a flexible schedule to accomplish the objectives of the position. Any overtime must have prior approval from the Fire Chief.
- G. Personnel assigned to light duty will not receive shift differential or other additional compensation above their hourly wage. They will continue to earn leave as stated in the negotiated agreements.

- H. Leave shall be granted as it is if on the line. Requests for leave will be submitted at least one day before the leave day(s) is requested. Any leave that has been granted prior to the light duty assignment shall be reported to the Fire Chief when the employee first reports for light duty.
- I. Personnel released from light duty to full and unrestricted duty shall immediately notify the Fire Chief and his/her respective Battalion Chief.

**VI PROCEDURES FOR REQUESTING LIGHT DUTY PERSONNEL**

- A. Light duty assignments shall be based on the limitations/qualifications of the individual.
- B. Any supervisor within the Fire department may request assistance from individuals assigned to light duty. These requests are to be made in writing to the Fire Chief through the Battalion Chief. The request should contain the following information:
  - 1. Supervisor and work location
  - 2. Description of task to be performed
  - 3. Length of request: hour(s), day(s), week(s), month(s).
- C. Supervisors requesting light duty assistance must understand all procedures and requirement for personnel assigned to light duty.
- D. Granting such requests shall be based on the availability of personnel assigned to light duty, priority of the project, and time of receipt of the project. The Fire Chief shall review the continuation of extended light duty assignments on a monthly basis.

**VII LIMITATIONS ON LIGHT DUTY ASSIGNMENTS**

- A. Any light duty assignment that is required due to an employee's inability to perform the full field duties required of their position shall be limited to a maximum of 18 months on light duty. This limitation is for one compensable injury/illness, non-job-related injury, or other performance based issue. Employees who have exhausted the maximum time permitted (or have been assigned to light duty for a period in excess of 12 month with a prognosis indicating that the employee will not be able to return to work in the 18 month time frame) will be offered the following options:
  - 1. Referral to the appropriate agency for a determination for service (accidental or performance) connected disability.
  - 2. Referral to the appropriate agency for a determination for a non-service connected disability.

3. Referral to city Human resources for assistance in securing appointment to another position in city government.
4. Resignation
5. Retirement (if eligible)
6. Involuntary separation

B. Evaluation Criteria

1. To ensure that this policy is administered in an objective, consistent, and nondiscriminatory manner, the determination of an employee's fitness and/or ability to perform essential firefighter job functions must be based on objective job-related criteria. The primary criteria to be used for a fitness for duty determination shall include one or more of the following:
  - a. Results of a medical and/or psychological examination performed by a physician licensed to practice in the State of New York and approved by the city and PERMA with determination of fitness for duty based upon the established "Medical Guidelines for Firefighters", the firefighter's job description, and a list of essential job tasks.
  - b. An official report, training record, administrative investigation, performance evaluation, or request for accommodation.

**VII DISPUTE RESOLUTION**

In the event of any dispute arising under the terms of this policy, the employee or the City may appeal same by service of a Demand for Arbitration, pursuant to PERB's Rules of Procedure. In the event that the city denies an application for Section 207-A benefits, seeks to discontinue section 207-A benefits, or there is a dispute about the capability of the employee to perform a specific light duty assignment, the matter will be submitted directly to arbitration pursuant to the rules of the Public Employment Relations Board. The determination of the arbitrator shall be final and binding on the city and the employee, but shall not preclude further review at a subsequent date based upon new or supplemental medical or other information.

### Example of Light Duty Assignments

1. Pre-plans and pre-fire planning efforts
2. Assisting Fire Inspectors in the performance of fire inspections
3. Prepare, schedule, and deliver Life Safety/Public Education Programs
4. Record keeping and other light office duties.
5. Training - Under the direction of the Training officer, employee may assist in the development and delivery of training to incumbent employees or employees in training
6. Conduct tours
7. Report writing
8. Assist in the Apparatus Shop and perform support functions such as parts pick-up, delivery, etc.
9. Assist Senior Captain/Battalion Chiefs in Special Projects
10. Scheduling of Special Events
11. Fire Department Liaison to Community Groups/meetings
12. Participate in Inventory and Loss Control efforts.
13. Statistical Research for Grants Program
14. Mentoring and coaching new employees
15. Recruitment Officer
16. Facilities Manager
17. Other tasks that are identified and are consistent with the physical limitations of the employee.

## Agenda Item #11

*RE: Acceptance of Proposal to Operate Restaurant located at Hyde Park Golf Course*

Council Members:

The License Agreement for the operator of the restaurant located at Hyde Park Golf Course expired on November 30, 2013. The City Purchasing division prepared a Request for Proposals (“RFP”) for the operation of the restaurant and advertised the availability of this opportunity in the Niagara Gazette and also forwarded the RFP to eleven (11) different vendors. Proposals were received from three (3) different vendors.

The opportunity contained in the RFP is described as a “License to operate a concession during the period of April 1<sup>st</sup> through November 30<sup>th</sup> of each year this License is in effect. The concession includes the exclusive sale of all food and drink plus any vending and game machines installed in the club house.” The City further requested that proposals be based on a term of five (5) years to commence on April 1, 2014 and end on March 31, 2019. Any agreement reached between the City and the vendor may be “extended annually for up to five (5) additional years through March, 2024, if mutually agreeable.” The City further required that the restaurant be open for business during the entire golf season however, it may not be open prior to April 1<sup>st</sup> or later than November 30<sup>th</sup> in each year of the License.

The basis for the award was stated to be as follows:

“Award of the concession will be based on the total of the payments for the first five (5) years of the agreement as well as any other offers submitted in the proposals which may be deemed advantageous to the City. Experience in operations of a restaurant/bar shall also be a major factor in determining the best proposal.”

As stated previously, three (3) proposals were submitted and each of the individuals submitting a proposal was interviewed. Each individual submitting a proposal described his experience in the restaurant/bar business. The proposals were opened on February 13, 2014 at 11:00 a.m. Attached is a spreadsheet detailing the proposals submitted. Since all three (3) individuals have experience in the restaurant/bar business, it is recommended that the City make its award based upon the amount proposed to be paid to the City during the first five (5) year period. The amount to be paid to the City during any annual extensions will be subject to negotiation at that time.

It is recommended that the license to operate the restaurant at the Hyde Park Golf Course be awarded to Patrick Driscoll based on his high proposal of \$62,400.00.

Will the Council so approve and authorize the Mayor to execute an agreement specifying the terms and conditions of the license to operate the restaurant at the Hyde Park Golf Course in form and content satisfactory to the Corporation Counsel?

Agenda Item #12

*RE:* Personnel Adjustments in Various Departments

Council Members:

Request approval of the following personnel changes to the 2014 budget. Funding is in place in each of the respective departments.

I. Pursuant to Civil Service Law, the Civil Service Commission has reclassified the following positions that have been changed in a permanent and material way over time. Incumbents have performed additional duties for a number of years and successfully passed the appropriate civil service exams. It is requested that the lower grade positions be eliminated and replaced with the higher grade positions.

- Account Clerk (Grade 7) position at an annual salary of \$33,801 to Senior Account Clerk (Grade 12) position at a salary of \$35,021 in the Police Department; a salary increase of \$1,220
- Account Clerk (Grade 7) position at an annual salary of \$34,435 to Senior Account Clerk (Grade 12) position at an annual salary of \$35,620 in the Police Department; a salary increase of \$1,185
- Jr. Account Clerk (Grade 3) position at an annual salary of \$28,062 to an Account Clerk (Grade 7) position at an annual salary of \$30,495 in the City Clerk's Office; a salary increase of \$2,433

II. A recent retirement in Billings and Collections division of the City Controller's office has created an opportunity for a staff member to not only continue her daily duties and responsibilities but also to share in the burden of additional work which is required by the In Rem tax foreclosure proceedings. This individual is presently a Senior Cashier, grade 12, at an annual salary of \$42,499.00. The Senior Cashier position is proposed to be abolished and her new title will be Principal Account Clerk, grade 17, at an annual salary of \$44,398.00. Funding for this reorganization is available as a result of the recent retirement of a person in the Billing & Collections division. After this reorganization, a savings of \$13,155.00 will be achieved.

III. Increase the hourly rate of Permanent Clerk's position in Planning & Development from current hourly rate of \$13.00 to \$15.00 per hour, an annual increase of \$1,768. The incumbent performs all clerical duties of a full time clerk at a less comparable rate and is not eligible for negotiated pay increases and/or steps. The last pay adjustment occurred in 2007.

Will the Council so approve?

Agenda Item #13

***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 | 2/03/2014              | \$ 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?

Agenda Item #14

*RE: Request for Approval to Settle and Pay Claim of Daniel Wulf*

295 Independence Drive, Orchard Park, NY 14127

Council Members:

|                        |   |
|------------------------|---|
| Date Claim Filed:      | October 24, 2013  |
| Date Action Commenced: | N/A   |
| Date of Occurrence:    | October 17, 2013  |
| Location:              | City parking lot on First Street                          |
| Nature of Claim:       | Damage to vehicle at City parking lot.                    |
| Status of Action:      | Claim stage.  |
| Recommendation/Reason: | Best interests of City to pay.                            |
| Amount to be Paid:     | \$499.94  |
| Make Check Payable to: | Daniel Wulf   |
| Conditions:            | General Release to City, approved by Corporation Counsel. |

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

Agenda Item #15

SUBJECT: Commissioner of Deeds

---

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2014 to March 31, 2016 .

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

|                  |  |
|------------------|--|
| Leonard Lapp     | City Clerks Office                     |
| Dave Kinney      | DPW                                    |
| Michael Kachurek | NFPD                                   |
| William Smith    | NFPD                                   |
| Betty Ivancic    | 1246 86 <sup>th</sup> St., NF NY 14304 |
| Lisa Kaczor      | 7050 Lake side Dr., NF NY 14304        |
| Larry Kensinger  | 496 23 <sup>rd</sup> St., NF, NY 14303 |
| Carletta Tyson   | 1744 Tennessee Ave., NF NY 14305       |
| Diane Ward       | 1416 13 <sup>th</sup> St., NF NY 14305 |

Agenda Item #16

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

Council Chairman Charles Walker

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

• • •

(e) Examination:

**(1)** 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.

**(2) An individual currently licensed as a journeyman plumber in a municipality in Niagara, Erie, Orleans, Genesee, Wyoming, Chautauqua or Cattaraugus Counties is not required to take the examination set forth in subparagraph (1) above.**

• • •

Bold and Underlining indicate **Additions.**

Bold and Brackets indicate **[Deletions].**

Agenda Item #17

RESOLUTION RELATIVE TO AMENDING CHAPTER 1107  
OF THE CODIFIED ORDINANCES ENTITLED  
“PERMITS, FEES AND CERTIFICATES”

Council Chairman Charles Walker

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1107 of the Codified Ordinances entitled “Permits, Fees and Certificates” is hereby amended by amending Section 1107.10 entitled “Permit Fees” to read as follows:

1107.10 PERMIT FEES

No permit shall be issued by the Director of Inspections until fees hereinafter prescribed have been paid to the City Controller and for which receipt has been noted on the application for the permit. No fee shall be required for work undertaken by the City of Niagara Falls, New York, the School District of Niagara Falls, the State of New York, the County of Niagara or the United States government. The fees to be paid for permits shall be as follows:

• • •

ADDITIONAL PLUMBING FEES:

Application **[to take the Plumbing Examination]:**

|                       |                      |                 |
|-----------------------|----------------------|-----------------|
| a. Master Plumber     | \$70.00              |                 |
| b. Journeyman Plumber | <del>[\$70.00]</del> | <u>\$100.00</u> |

• • •

Registration Fees:

|                          |            |                |
|--------------------------|------------|----------------|
| a. Mechanical Contractor | \$175.00   |                |
| b. Apprentice Plumber    | \$ 20.00   |                |
| c. Journeyman Plumber    | [\$ 35.00] | <u>\$50.00</u> |
| d. Master Plumber        | \$200.00   |                |

Renewal Fees:

|                             |            |                |
|-----------------------------|------------|----------------|
| a. Mechanical Contractor    | \$150.00   |                |
| b. Apprentice Plumber       | \$ 15.00   |                |
| c. Journeyman Plumber       | [\$ 20.00] | <u>\$40.00</u> |
| d. Master Plumber           | \$150.00   |                |
| e. Inactive Master Plumbers | No fee     |                |

Reinstatement Fees:

|                          |            |                |
|--------------------------|------------|----------------|
| a. Apprentice Plumber    | \$ 20.00   |                |
| b. Journeyman Plumber    | [\$ 35.00] | <u>\$50.00</u> |
| c. Master Plumber        | \$200.00   |                |
| d. Mechanical Contractor | \$175.00   |                |

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

RELATIVE TO DECLARING MARCH 10<sup>th</sup> "HARRIET TUBMAN DAY" IN NIAGARA  
FALLS

BY:

*Council Chairman Charles A. Walker*

*Council Member Robert A. Anderson Jr.*

*Council Member Glen Choolokian*

*Council Member Kristen Grandinetti*

*Council Member Andy Touma*

*March 3, 2014*

*WHEREAS, Harriet Tubman, known as the "Moses of her People," for her unrelenting commitment to the freedom and liberty of those held in slavery in the United States in the 1800s, stands as an icon of American heroism and the principle that life, liberty, and the pursuit of happiness are each unalienable human rights, and*

*WHEREAS, the Niagara region played a pivotal role in Tubman's remarkably successful efforts to help slaves to find safety and freedom, and*

*WHEREAS, President George H.W. Bush declared March 10, the anniversary of Tubman's death, "Harriet Tubman Day" in 1990, "In recognition of Harriet Tubman's special place in the hearts of all who cherish freedom," and*

*WHEREAS, New York State Governor George Pataki declared March 10 to be a state holiday in 2003, now*

*THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls declares March 10 to be "Harriet Tubman Day," an occasion to be marked by reverence for Tubman's contributions and by efforts to live by her example of tireless devotion to justice and liberty.*

Agenda Item #19

RELATIVE TO DECLARING MARCH 2014 "LOCAL HISTORY MONTH"

BY:

*Council Chairman Charles A. Walker*

*Council Member Robert A. Anderson Jr.*

*Council Member Glen Choolokian*

*Council Member Kristen Grandinetti*

*Council Member Andy Touma*

*March 3, 2014*

*WHEREAS, the City of Niagara Falls was established in March of 1892, when New York State Governor Roswell P. Flower signed the historic charter merging the villages of Manchester and Suspension Bridge, and*

*WHEREAS, the City of Niagara Falls, now embarking on its one-hundred-and-twenty-second year, stands ready for a new era of growth and progress, and*

*WHEREAS, this City Council wishes to promote the study and understanding of our rich local history, from the history of Native American settlement in the area, to the exploits of Robert de la Salle and Louis Hennepin, from the part our area played in the American Revolution, to its role in the Underground Railroad, from the rise of heavy industry, to the city's role in producing hydroelectric power, and the myriad of notable city residents that have contributed to entertainment, the arts, sports, science, government, journalism, and other arenas of our culture, as well as all other elements of our area's history, now*

*THEREFORE, BE IT RESOLVED that we, the Niagara Falls City Council, on behalf of the citizens of this great city declare the month of March 2014 to be Local History Month.*

Presentations

Monday, February 3, 2014 Council Meeting

PRESENTATIONS:

Jeff Pirrone, Goodwill Industries of WNY Mobile Safety-Net Team – Strengthening WNY’s Safety Net

Sara Capen, Project Manager for Niagara Falls National Heritage Area – Local History Month



ADMINISTRATIVE UPDATE: