

NIAGARA FALLS CITY COUNCIL  
AGENDA FOR DECEMBER 3, 2007

4:10 p.m.-4:45 p.m.

COUNCIL CHAMBERS

COUNCIL CHAMBERS

~~4:00 P.M.~~

ROLL CALL - COUNCIL MEMBERS

FRUSCIONE X    ROBINS X    ROTELLA X    WALKER X    ANDERSON X

Approval of minutes from the City Council Meeting of November 19, 2007, Special Meeting of November 13, 2007 and Budget Sessions of November 13, 2007 and November 15, 2007. VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

PRESENTATIONS

ADMINISTRATIVE UPDATE

REVIEW OF AGENDA ITEMS

7:02 P.M.

LEGISLATIVE MEETING

COUNCIL CHAMBERS

~~7:00 P.M.~~

ROLL CALL - COUNCIL MEMBERS

FRUSCIONE X    ROBINS X    ROTELLA X    WALKER X    ANDERSON X

PRAYER - Walker

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: Relative to Abandonment of alley between Cleveland Avenue and South Avenue East of Main Street and a Portion of South Avenue between Main Street and tenth Street.

There were no speakers'

PUBLIC SPEAKERS (SEE NOTE ON LAST PAGE)

1. AGENDA ITEMS

- Greg Colangelo-Agenda Item #13
- Ken Hamilton-Agenda Item #12

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2. FOR THE GOOD OF THE COMMUNITY

- Ken Hamilton- Full agenda items to be on line

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INFORMATIONAL ITEMS

FROM THE CITY CLERK

ITEMS FOR COUNCIL ACTION

FROM THE MAYOR

1. Approval of Engineering Contract to Clark Patterson Associates for feasibility and preferred alignment engineering work for the LaSalle Recreationway Trail.

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    |     | X   |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson |     | X   |     |     |
| Total:                    | 3   | 2   |     |     |

2. Request to remove from the table the NFURA Boundary Expansion

R&F

3. Approval of Change Order #1 to Yarussi Construction, Inc. contract for Old Falls Street Reconstruction Project.

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

4. Approval to transfer \$1,599.91 from Fund balance to Old Falls Street Reconstruction account for cost of termination and removal fees of light fixture.

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

5. Approval to pay Stohl Environmental, LLC \$1,029.75 for asbestos inspection and monitoring at the LaSalle Library.

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

6. Approval of contract with KEK Excavators, Inc. for 88<sup>th</sup> Street Bridge demolition.

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

7. Approval to transfer \$405,000 of 2004 and 2005 Casino funds to NFURA

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

8. Approval of Bid #28-07 with Morris Protective Service, Inc. for watchman services at the Corporation Yard

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

9. Approval of Bid #27-07 with Armand Cerrone, Inc. for rental of snow removal equipment

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

10. Approval to borrow \$500,000 from General Fund to be replaced with 2006 Casino funds for Custom House Project

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

11. Approval to waive late fees for Amusement vending

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  |     | X   |     |     |
| Council Member Robins     |     | X   |     |     |
| Council Member Rotella    |     | X   |     |     |
| Council Member Walker     |     | X   |     |     |
| Council Chairman Anderson |     | X   |     |     |
| Total:                    | 0   | 5   |     |     |

DEFEATED

12. Approval to appropriate \$68,000 from Casino interest for the Ezekial Project

VOTE

|                           | TO TABLE |     | yea | nay |
|---------------------------|----------|-----|-----|-----|
|                           | yea      | nay |     |     |
| Council Member Fruscione  | X        |     |     |     |
| Council Member Robins     |          | X   |     |     |
| Council Member Rotella    | X        |     |     |     |
| Council Member Walker     | X        |     |     |     |
| Council Chairman Anderson | X        |     |     |     |
| Total:                    | 4        | 1   |     |     |

TABLED

13. Approval to restore the position of Equipment Repair Specialist in the Fire department

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

14. Approval of Noah Organization recommended local Hiring Policy

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  |     |     |     |     |
| Council Member Robins     |     |     |     |     |
| Council Member Rotella    |     |     |     |     |
| Council Member Walker     |     |     |     |     |
| Council Chairman Anderson |     |     |     |     |
| Total:                    |     |     |     |     |

PULLED-NO ACTION TAKEN

15. Approval of grant in amount not to exceed \$20,000 from Casino interest to Niagara Falls Wrestling Club for purchase of two new wrestling mats

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

16. Approval of revised Parking agreement with Anwal Properties

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  |     |     |     |     |
| Council Member Robins     |     |     |     |     |
| Council Member Rotella    |     |     |     |     |
| Council Member Walker     |     |     |     |     |
| Council Chairman Anderson |     |     |     |     |
| Total:                    |     |     |     |     |

PULLED-NO ACTION  
TAKEN

FROM THE CORPORATION COUNSEL

17. Approval to pay claim of Frank Antonacci in the amount of \$10,000

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

18. Approval to pay claim of Kertis Peterson in the amount of \$6,000

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

19. Approval to pay claim of Liza Constantino in the amount of \$3,561.45

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

20. Approval of assessment adjustment of Raymour & Flanagan's Store on  
Niagara Falls Boulevard

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

21. Approval to pay claim of Kim Roberts in the amount of \$905.71

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

ADDITIONAL ITEMS

FROM THE CITY CLERK

22. Approval of Commissioner of Deeds Appointments for a term from  
January 1, 2008 to December 31, 2009.

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

FROM THE CITY ASSESSOR

23. Approval of Locally-Adjusted Homestead & Non-Homestead Proportions

VOTE

|                           | yea | nay | yea | nay |
|---------------------------|-----|-----|-----|-----|
| Council Member Fruscione  | X   |     |     |     |
| Council Member Robins     | X   |     |     |     |
| Council Member Rotella    | X   |     |     |     |
| Council Member Walker     | X   |     |     |     |
| Council Chairman Anderson | X   |     |     |     |
| Total:                    | 5   | 0   |     |     |

REMOVE FROM TABLE

24. Resolution relative to Urban Renewal Site Designation

BY: All council Members

VOTE

|              |                           | TO REMOVE<br>FROM TABLE |     | APPROVE |     |     |     |
|--------------|---------------------------|-------------------------|-----|---------|-----|-----|-----|
|              |                           | yea                     | nay | yea     | nay | yea | nay |
| 2007-<br>106 | Council Member Fruscione  | X                       |     | X       |     |     |     |
|              | Council Member Robins     | X                       |     | X       |     |     |     |
|              | Council Member Rotella    | X                       |     | X       |     |     |     |
|              | Council Member Walker     | X                       |     | X       |     |     |     |
|              | Council Chairman Anderson | X                       |     | X       |     |     |     |
| Total:       |                           | 5                       | 0   | 5       | 0   |     |     |

RESOLUTIONS

25. Relative to the agenda for January 2008 Meeting

BY: Council Chair Robert Anderson, Jr.

VOTE

|          |                           | yea | nay | yea | nay |
|----------|---------------------------|-----|-----|-----|-----|
| 2007-107 | Council Member Fruscione  | X   |     |     |     |
|          | Council Member Robins     | X   |     |     |     |
|          | Council Member Rotella    | X   |     |     |     |
|          | Council Member Walker     | X   |     |     |     |
|          | Council Chairman Anderson | X   |     |     |     |
| Total:   |                           | 5   | 0   |     |     |

26. Relative to authorizing the implementation and funding in the first instance 100% of the Federal-Aid and State "Marchiselli" program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore for the renovation of the Niagara Falls Customhouse building

BY: Council Chairman Robert Anderson, Jr.

VOTE

|          |                           | yea | nay | yea | nay |
|----------|---------------------------|-----|-----|-----|-----|
| 2007-108 | Council Member Fruscione  | X   |     |     |     |
|          | Council Member Robins     | X   |     |     |     |
|          | Council Member Rotella    | X   |     |     |     |
|          | Council Member Walker     | X   |     |     |     |
|          | Council Chairman Anderson | X   |     |     |     |
| Total:   |                           | 5   | 0   |     |     |

27. Approval to do Budget Amendment to create Neighborhood Services Data Clerk Position and Senior Citizen Facilities Attendant.

VOTE

|                           | TO ADD TO AGENDA |     | TO AMEND |     | TO APPROVE AS AMENDED |     |
|---------------------------|------------------|-----|----------|-----|-----------------------|-----|
|                           | yea              | nay | yea      | nay | yea                   | nay |
| Council Member Fruscione  | X                |     | X        |     | X                     |     |
| Council Member Robins     | X                |     | X        |     | X                     |     |
| Council Member Rotella    | X                |     | X        |     | X                     |     |
| Council Member Walker     | X                |     | X        |     | X                     |     |
| Council Chairman Anderson | X                |     | X        |     | X                     |     |
| Total:                    | 5                | 0   | 5        | 0   | 5                     | 0   |

Amendment-add fringe benefits

28. Approval to appropriate \$6,000 from Fund Balance for asbestos testing and verification to be done at the Public Safety Building

VOTE

|                           | TO ADD TO AGENDA |     | APPROVE |     |     |     |
|---------------------------|------------------|-----|---------|-----|-----|-----|
|                           | yea              | nay | yea     | nay | yea | nay |
| Council Member Fruscione  | X                |     | X       |     |     |     |
| Council Member Robins     | X                |     | X       |     |     |     |
| Council Member Rotella    | X                |     | X       |     |     |     |
| Council Member Walker     | X                |     | X       |     |     |     |
| Council Chairman Anderson | X                |     | X       |     |     |     |
| Total:                    | 5                | 0   | 5       | 0   |     |     |

29. Resolution relative to abandonment of alley between Cleveland Avenue and South Avenue East of Main Street and a Portion of South Avenue between Main Street and tenth Street

BY: All Council Members

VOTE

|                           | TO ADD TO AGENDA |     | TO APPROVE |     |     |     |
|---------------------------|------------------|-----|------------|-----|-----|-----|
|                           | yea              | nay | yea        | nay | yea | nay |
| Council Member Fruscione  | X                |     | X          |     |     |     |
| Council Member Robins     | X                |     | X          |     |     |     |
| Council Member Rotella    | X                |     | X          |     |     |     |
| Council Member Walker     | X                |     | X          |     |     |     |
| Council Chairman Anderson | X                |     | X          |     |     |     |
| Total:                    | 5                | 0   | 5          | 0   |     |     |

2007-109

30. Resolution relative to the State Comptroller's health Insurance Examination

BY: Council Member Chris Robins

VOTE

|                           | TO ADD TO AGENDA |     | TO APPROVE |     |     |     |
|---------------------------|------------------|-----|------------|-----|-----|-----|
|                           | yea              | nay | yea        | nay | yea | nay |
| Council Member Fruscione  | X                |     | X          |     |     |     |
| Council Member Robins     | X                |     | X          |     |     |     |
| Council Member Rotella    | X                |     | X          |     |     |     |
| Council Member Walker     | X                |     | X          |     |     |     |
| Council Chairman Anderson | X                |     | X          |     |     |     |
| Total:                    | 5                | 0   | 5          | 0   |     |     |

2007-110

31. Resolution relative to City of Niagara Falls COBRA Policy

BY: All Council Members

VOTE

|              |                           | TO ADD TO<br>AGENDA |     | TO APPROVE |     | VOTE |     |
|--------------|---------------------------|---------------------|-----|------------|-----|------|-----|
|              |                           | yea                 | nay | yea        | nay | yea  | nay |
| 2007-<br>111 | Council Member Fruscione  | X                   |     | X          |     |      |     |
|              | Council Member Robins     | X                   |     | X          |     |      |     |
|              | Council Member Rotella    | X                   |     | X          |     |      |     |
|              | Council Member Walker     | X                   |     | X          |     |      |     |
|              | Council Chairman Anderson | X                   |     | X          |     |      |     |
| Total:       |                           | 5                   | 0   | 5          | 0   |      |     |

32. Resolution relative to response to New York State Comptroller Audit Report of Internal Controls over Health Insurance.

BY: All Council Members

VOTE

|              |                           | TO ADD TO<br>AGENDA |     | TO APPROVE |     | VOTE |     |
|--------------|---------------------------|---------------------|-----|------------|-----|------|-----|
|              |                           | yea                 | nay | yea        | nay | yea  | nay |
| 2007-<br>112 | Council Member Fruscione  | X                   |     | X          |     |      |     |
|              | Council Member Robins     | X                   |     | X          |     |      |     |
|              | Council Member Rotella    | X                   |     | X          |     |      |     |
|              | Council Member Walker     | X                   |     | X          |     |      |     |
|              | Council Chairman Anderson | X                   |     | X          |     |      |     |
| Total:       |                           | 5                   | 0   | 5          | 0   |      |     |

ADJOURNMENT OF MEETING

7:25 P.M.