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JANUARY 1, 2008

ORGANIZATIONAL MEETING

NIAGARA FALLS, NEW YORK

Acting Chairman Anderson called the meeting to order at 11:00 a.m. in the Council Chambers with all Council Members present.

The Young Military Cadets posted the Colors and Acting Chairman Anderson lead the group in The Pledge of Allegiance.

The National Anthem was sung by Nick Zawacki and the Prayer was said by Pastor Raymond and Rev. Lora Allen.

The Oath of Office was administered to Mayor-Elect Paul A. Dyster by the Honorable Rose H. Sconiers as his father held the Family Bible and his wife stood by his side.

Mayor Dyster then gave the following address:

I want to welcome each and every one of you who has taken the time to come here today and share in this great day.

For government to function effectively, there has to be trust, communication and basic courtesy among the leaders at the top. That's why I made certain to sit down with each of the members of the incoming City Council over the last several weeks to talk about their perspectives on the issues facing our City. I found a dedicated group of individuals with a lot of skills to bring to the table. I want to thank Bob, Sam, Chris, Charles and Steve for making the transition a smooth and productive one so far. During the campaign, you, the people, sent a message that you wanted to change the tone of our political discourse, and bring to City Hall a new brand of consensus-based leadership. You said you wanted a leader at the top who listens to people, inspires them, and gains their trust. I know that's easier said than done, but, for me, it's not just a campaign slogan - it's the strategy I intend to bring to my job every day.

I promise to make sure we're always on the lookout for better, cheaper, greener ways of doing things. I promise to surround myself with people who have the qualifications, vision and integrity to get the job done. I can and will govern in the interests of all the people. I know we need strong partnerships with both the state and federal governments to move forward. I've started building those partnerships, and I think we can look forward to a new era in our relationship with Albany and Washington.

Our City faces a number of daunting challenges, and I know that you are impatient to see things change. I already know that, at times, things aren't going to be moving far enough or fast enough. Things didn't get this way overnight, and they won't be fixed overnight either. I promise you that from this day forward, at least we will be moving in the right direction.

Machivelli, the famous political philosopher, wrote that "There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things." Robert Kennedy, the freshman Senator from New York, used that quote in a famous speech he gave in Cape Town, South Africa in 1966. Kennedy's audience was the anti-Apartheid National Union of South African Students. He had a rare opportunity for an outsider to offer commentary on the task that lay ahead for that turbulent country. He identified four sources of danger for the eager young activists who were there to hear him speak.

The first he called the danger of futility: "the belief there is nothing one man or one woman can do against the enormous array of the world's ills". Kennedy told his audience that together, their collective efforts could change the world: "few will have the greatness to bend history' but each of us can work to change a small portion of the events, and in the total of all these acts will be written the history of this generation".

Our foremost objective in local government should always be to provide the best possible quality of life for every one of our citizens. Sometimes, that requires big investments in key projects, but it also means doing the little things right over the long haul. From fixing potholes to better policing our streets to restoring homes and businesses, little things done consistently right will eventually add up to a brighter future, and the efforts of every one of us can and will make a difference.

The second danger Kennedy called the danger of expediency: the idea that "hopes and beliefs must bend before immediate necessities". We all know that we have to take account of practical realities if we want to get anything done. But, we also know that all endeavors are most successful when they combine rational and practical efforts to solve problems with idealism, moral conviction, and faith.

The third danger is the danger of timidity. Most of us go along to get along most of the time. It takes courage to stand up and say "that's not right". RFK said moral courage was rarer than great courage in battle or great intelligence. It "is the one essential...quality for those who seek to change the world." Whether the issue is ethnic diversity or economic empowerment or environmental protection, I promise you I will always strive to tell it like it is.

The fourth danger Kennedy called the danger of comfort: "the temptation to follow the easy and familiar path of personal ambition and financial success." That was not the path the Kennedy family chose. Rose Kennedy told her children public service was the highest calling. They listened. I look around this room, and see many people who have taken up the challenge of public service.

I am honored and humbled by the confidence you have shown in me by electing me as your Mayor. I hope you will help me steer our City around the dangers as we set out on the path to a better future.

In that South African speech, Bobby Kennedy cited an old Chinese curse which says, "May he live in interesting times," and reminded his audience that, like it or not, they did indeed live in interesting times. Well, so do we. We face a lot of challenges. But, without challenges, there are no opportunities. As we work together to create a cleaner, greener, more prosperous future for the City we all love, I will judge myself at the end of each day based on what contribution I have made that day to make our City a better place - one we can all be proud to call home. I challenge you to do the same.

I'd like to conclude with a prayer from that "other" Kennedy, President John F. Kennedy: "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth and lead the land we love, asking His blessing and His help, but knowing that here on earth, God's work must truly be our own."

Thank you so very much. God bless you, and pray for me.

The Oath of Office was administered to Council Members Robert J. Anderson, Jr. and Steven D. Fournier by The Honorable Angelo J. Morinello.

The City Clerk called the roll with all members present: Anderson, Fournier, Fruscione, Robins and Walker, 5-0.

Council Member Anderson nominated Council Member Fruscione for Council Chairperson. Nomination was seconded by Council Member Robins. All Council Members voted for Council Member Fruscione. Council Member Fruscione was elected as Council Chairperson.

The Honorable Angelo J. Morinello administered the Oath of Office to Council Chairman Fruscione.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

ACTING CORPORATION COUNCIL: APPOINTMENT

Agenda Item #1

RECEIVED AND FILED

Appointment of Thomas O'Donnell as Acting Corporation Council

While the process to recruit a Corporation Counsel is continuing, I am appointing First Deputy Corporation Counsel Thomas M. O'Donnell as Acting Corporation Counsel.

CITY CONTROLLER: APPOINTMENT

Agenda Item #2

RE: Approval of appointment of Maria C. Brown as City Controller

Pursuant to the power vested in me by Section 2.3 of the Charter of the City of Niagara Falls, New York, I hereby appoint Maria C. Brown as City Controller of the City of Niagara Falls, New York.

Will the Council kindly confirm such appointment?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

COMMUNITY DEVELOPMENT DIRECTOR: RE-ESTABLISH POSITION

Agenda Item #3

RE: Approval to re-establish Community Development Director position at a salary of \$30,000 plus benefits at \$3,805.

The current Community Development budget has the position of Director at \$1.00 to hold the position.

It is my recommendation that the position be re-established at a salary of \$30,000 with FICA and other benefit costs totaling \$3,805.

Funding is available in the Community Development administrative budget line.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

DEPARTMENT OF PUBLIC WORKS

Agenda Item #4

RE: Approval of reorganization of Department of Public Works
After review of the operations of the Public Works Department by my transition team, it is their recommendation that the management of the department be again set under a director and deputy director. In order to do this, I am recommending that the following positions be abolished:

- Neighborhood Services Division Manager - \$55,000.00
- Streets Division Manager - \$55,000.00
- Skilled Trades Division Manager - \$50,960.88

The following positions would be created:

- Director of Public Works - \$63,056.00
- Deputy Director of Public Works - \$55,000.00
- Skilled Trades Crew Leader - \$54,064.40 (pursuant to the Trades

contract)

- Crew Leader - \$38,233.84.

With benefits, this will require a net increase in funding of \$60,765.16. Funding is available from the contingency account in the 2008 budget, Code A1990.7660.0449.599.

Will the Council so approve?

Council Member Robins moved that the communication be amended by changing the crew leader salary and the net increase in funding amount.

Yeas	5
Nays	0

AMENDED

Council Member Robins moved that the communication be received and filed and the recommendation approved As Amended.

Yeas	5
Nays	0

APPROVED AS AMENDED

RESOLUTION: NIAGARA GAZETTE, 2008-1

Agenda Item #5

Relative to designating the Niagara Gazette as the official newspaper
BY: All Council Members

BE IT RESOLVED, by the City Council of Niagara Falls, New York, that the designation of the Niagara Gazette as the official newspaper of the City of Niagara Falls, New York for purposes of printing and/or publishing of all legal notices, public hearing notices and any other matters required by law or by the City Council or the Boards of the City to be printed and/or published is hereby continued.

BE IT FURTHER RESOLVED, that this designation shall be in effect for the year 2008, but such designation shall not thereafter lapse until superseded.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: COUNCIL MEETING SCHEDULE, 2008-2

Agenda Item #6

Relative to the 2008 Council Meeting schedule

BY: All Council Members

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it hereby adopts the following 2008 City Council Meeting dates as the official

2008 CITY COUNCIL AGENDA AND MEETING SCHEDULE.

4pm ---- Work Session	7pm --- Council Meeting
January 1 st - Organizational and Swearing In Ceremony	
January 14 th	July 14 th
January 28 th	July 28 th
February 11 th	AUGUST RECESS
February 25 th	
March 10 th	September 15 th
March 24 th	September 29 th
April 7 th	October 14 th (Tuesday)
April 21 st	October 27 th
May 5 th	November 10 th
May 19 th	November 24 th
June 2 nd	December 8 th
June 16 th	December 22 nd
June 30 th	

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: INVESTMENT POLICY, 2008-3

Agenda Item #7

Relative to adoption of investment policy for the City of Niagara Falls

BY: Council Member Robert J. Anderson, Jr.

WHEREAS, New York law requires the governing board of each municipality to adopt an investment policy; and

WHEREAS, the objectives of the investment policy are:

1. to conform with legal requirements
2. to provide for the safety of principal
3. to provide for sufficient liquidity to meet operating requirements
4. to obtain a reasonable rate of return; and

WHEREAS, the attached(on file in City Clerk's office)investment policy is designed to satisfy these objectives.

NOW THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that it hereby adopts the attached investment policy.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: N.F. WATER BOARD APPOINTMENT, 2008-4

Agenda Item #8

Relative to Niagara Falls Water Board appointment

BY: All Council Members

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Water Board effective January 1st, 2008, for the expiration date, which appears opposite his name with over ten years of professional experience in management; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to forward a certified copy of this resolution to the Niagara Falls Water Board and to the Niagara Falls Law Department.

<u>APPOINTMENT</u>	<u>EXPIRATION DATE</u>
Thomas R. Vitello, Sr. 2644 Fairway Drive Niagara Falls, NY 14305 (716) 297-4756	12/31/2010

Yeas	5
Nays	0

ADOPTED

RESOLUTION: TRAFFIC ADVISORY BOARD APPOINTMENT, 2008-5

Agenda Item #9

Relative to appointment to the Traffic Advisory Board

BY: All Council Members

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Traffic Advisory Board effective immediately for the expiration date, which appears opposite his name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Stephen Urbaniak 689 - 78 th Street Niagara Falls, NY 14304	12/31/2012

Yeas	5
Nays	0

ADOPTED

RESOLUTION: BOARD OF APPEALS: APPOINTMENTS, 2008-6

Agenda Item #10

Relative to appointment and re-appointment to the Niagara Falls Board of Appeals

BY: All Council Members

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Board of Appeals effective January 1st, 2008, for the expiration date, which appears opposite their names:

<u>RE-APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Anthony Scricco, Sr. 260 - 66 th Street Niagara Falls, NY 14304 283-0819	12/31/2010
Joseph Schiro 448 - 27 th Street Niagara Falls, NY 14303 284-5486	12/31/2010
<u>APPOINTMENT</u> Zachary R. Casale 602 Spruce Avenue Niagara Falls, NY 14301 308-2631	12/31/2010

Yeas	5
Nays	0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD: CONTINUATION AND APPOINTMENTS, 2008-7

Agenda Item #11

Relative to the continuation of the Niagara Falls Tourism Advisory Board and it's appointments

BY: All Council Members

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

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board during 2008.

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

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

BE IT FURTHER RESOLVED that the following individuals are hereby appointed to the City of Niagara Falls Tourism Advisory Board effective January 1, 2008 for the expiration date which appears opposite their names:

<u>APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Adrienne Bedgood 2258 Niagara Avenue Niagara Falls, NY 14305 804-1858	12/31/2008
Vince Catanzaro 2756 Forest Avenue Niagara Falls, NY 14301 282-0707	12/31/2008
Denise Easterling 1306 Willow Avenue Niagara Falls, NY 14305 285-2642	12/31/2008
Jerauld Genova 757 Seymour Avenue Niagara Falls, NY 14305 957-4949	12/31/2008
Vince Mameli 462 - 77 th Street Niagara Falls, NY 14304 283-5309	12/31/2008
Diane McNamarra 4125 Cliff Avenue Niagara Falls, NY 14305 284-1654	12/31/2008
Gay Molnar 2114 River Road Niagara Falls, NY 14304 285-3575 ext. 204	12/31/2008
David Scott 7616 Niagara Falls Blvd. Niagara Falls, NY 14304 283-3322	12/31/2008
Pamela Smith 628 Chestnut Avenue Niagara Falls, NY 14305 282-3243	12/31/2008
Randy Umbriaco 837 - 15 th Street Niagara Falls, NY 14301 285-7738	12/31/2008
Lisa Vitello 4859 Terrance Drive Niagara Falls, NY 14305 285-3184	12/31/2008

Yeas
Nays

5
0

ADOPTED

RESOLUTION: PLANNING BOARD APPOINTMENTS, 2008-8

Agenda Item #12

Relative to appointments to the Niagara Falls Planning Board

BY: All Council Members

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Planning Board effective January 1st, 2008 for the expiration date, which appears opposite their name:

APPOINTMENT

Mark Grozio 12/31/2010
640 - 73rd Street
Niagara Falls, NY 14304
283-8033

Harold (Hal) Faba 12/31/2010
3010 Macklem Avenue
Niagara Falls, NY 14305
284-7624

Michael Lewis Ph.D 12/31/2010
800 Maple Avenue
Niagara Falls, NY 14305
694-5969

Yeas 5
Nays 0

ADOPTED

The Honorable Angelo J. Morinello administered the Oath of Office to various Department Heads and to the Niagara County Coroner and Niagara County Legislators.

Council Members welcomed everyone and Chairman Fruscione announced that refreshments would be served compliments of the Niagara Falls Block Club Council.

The retiring of the Colors was accompanied by Nick Zawacki singing "God Bless America".

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 11:50 a.m.

Carol A. Antonucci
City Clerk



JANUARY 14, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the January 14, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:03 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator William J. Bradberry, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Special Meeting of December 12, 2007, Regular Meeting of December 17, 2007 and Organizational Meeting of January 1, 2008.

Yeas 5
Nays 0

APPROVED

Mayor Paul A. Dyster thanked the Council and the public for their consideration during his recent illness.

The Mayor spoke about the Council and Administration working together cooperatively for the good of the City. To that end, he will meet with the Council Chairman, or his designee, and one other Council Member to discuss Items before they are placed on the Agenda. He will also prepare a list of topics he will discuss in his Administrative Update in advance, so the Council can be prepared to discuss the issues. He will also ask that Department Heads, or their designees, attend the Committee of the Whole Sessions to answer questions from the Council Members.

City Administrator William Bradberry also spoke about working cooperatively with the Council to enhance the quality of life for the residents of the City, and improve the processes and systems used by City employees to strengthen their capabilities. In regard to the issue of residency of City employees, the Administrator said that there were questions as to whether some queries were answered honestly, and asked the Council's support for the Law Department, working with a private investigator, to follow through on the process.

Acting Corporation Counsel Thomas O'Donnell distributed copies of three Items to be added to the Agenda:

1. A communication relative to designation of a representative to the Niagara Power Coalition and the Host Community Standing Committee.

Council Member Robins moved to add the communication to the Agenda.

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #20.

2. A communication relative to wage increases for Niagara Falls Housing Authority personnel.

Council Member Robins moved to add the communication to the Agenda.

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #21.

3. A Resolution relative to funding the reconstruction of 10th Street.

Council Member Robins moved to add the Resolution to the Agenda.

Yeas 5

Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added the Agenda as #22.

Chairman Fruscione asked why Agenda Item #8, relative to awarding the contract for vehicle towing was awarded to the highest bidder, and Purchasing Agent Dean Spring explained that this was a payment that was made to the City, so the highest bid was the goal.

Chairman Fruscione also inquired about Agenda Item #17, a Resolution relative to an Environmental Protection Fund application, and Sherry Shepherd-Corulli responded.

Council Member Robins moved for an Executive Session to discuss litigation, and his motion was unanimously approved. He also moved to end the Session, and that motion was unanimously approved. The Executive Session began at 4:20 PM and ended at 4:36 PM., at which time Chairman Fruscione adjourned the Meeting.

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman announced a Special Order of Business, a Public Hearing relative to street abandonment of a portion of the alley running West from Tenth Street between Michigan and South Avenues and asked if anyone wished to speak. There were no speakers

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Ken Hamilton	Agenda Item #3
Rashad Blount	Agenda Item #3
Ron Anderluh	Thanked Council for adjusting Homestead and Non-Homestead proportions
Arthur Garabedian	Culinary Institute sites
Ken Hamilton	On-line City Budget not user friendly; Martin Luther King award; Park and HOPE IV project
Tony Scricco	establish doggy park
Penny Addoms	better participation in recycling

The following were RECEIVED AND FILED:
Agenda Item #1
City Clerk's Report for November, 2007.

Agenda Item #2
Claims Report for December, 2007

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

RESIDENCY INVESTIGATIONS FUNDING

Agenda Item #3

RE: Approval to amend 2008 Budget to retain investigator for Residency violations.

During 2007 there was a greater emphasis on ensuring compliance with the City's residency law. The next step in that process is to investigate instances of alleged violations of the residency requirement.

In order to continue this process I am requesting that the Council amend the 2008 Budget by appropriating \$50,000.00 from the Fund Balance to the Consultant line, Account number A. 1420.0000.0451.000 in the Law Department to allow for the retention of investigators.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

POLICE DEPARTMENT: POSITION CHANGES

Agenda Item #4

RE: Approval of Budget Amendment to recreate Captain position in Youth Bureau and eliminate Lieutenant position in Police Administration and appropriate the sum of \$27,369.69 from Fund Balance.

The 2008 Adopted Budget eliminated the Captain position in the Youth Division and created an additional Lieutenant position in Administration.

The Captain position has been vacant since May 2007 due to a retirement.

The Police Captains and Lieutenants Association filed an Article 78 proceeding seeking to require the City to fill the position. Late last year Judge Kloch ruled in favor of the Union.

Therefore, it is requested that the Council amend the budget by re-creating the Captain in the Youth Division, account number A.3120.2790.0110.000 at a salary of \$71,765.00 and eliminating the Lieutenant position in Administration, account number A.3120.0001.0110.000 at a salary of \$57,813.00.

This represents an increase as set forth below.

Increase \$13,952.00

FICA 1,068.00

Pension 2,218.00

Life Ins. 57.00

There is also retroactive pay and benefits for the new Captain in the amount of \$10,074.69.

Will the Council appropriate the total sum of \$27,369.69 from Fund Balance and approve the above budget amendments?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: ENTREPRENEURIAL TRAINING PROGRAM, NCCC & NFC

Agenda Item #5

RE: Approval of agreement with NCCC, NFC and City for Entrepreneurial Training Program

Attached(on file in City Clerk's Office) is a proposed agreement among the City, NFC and the Niagara County Community College Small Business Development Center to run the Entrepreneurial Training Program.

Funding is provided from a State grant.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

11 APPROVED

CONTRACT: MORTON ABRAMOWITZ, CONSULTING SERVICES

Agenda Item #6

RE: Approval of agreement with Morton Abramowitz to provide Consulting services to the City Council.

Attached(on file in City Clerk's Office)is a proposed Agreement for Morton Abramowitz to provide consulting services to the City Council.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: UNIFIED COURT SYSTEM, SECURITY

Agenda Item #7

RE: Approval of Security agreement between Unified Court System and Niagara Falls Police Department.

The current Security Contract between the Unified Court System and the Niagara Falls Police Department is effective for a 5-year term running from April 1, 2004 through March 31, 2009 and is divided into annual 1-year periods. The current period expired March 31, 2007.

Under Section 1(D) of the Security Agreement, we are entering into a Renewal Contract for a 1-year period which shall commence on April 1, 2007 and terminate on March 31, 2008. During this period, all of the terms and conditions of the Security Agreement shall continue to apply, except the maximum compensation for this Renewal Contract period shall be \$653,500.

Will the Council so approve and authorize the Mayor to sign any required documentation?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: SATARIAN AUTO PARTS, VEHICLE TOWING

Agenda Item #8

RE: Approval of Bid #39-07 with Satarian Auto Parts for vehicle towing.

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

TO: Satarian Auto Parts
4250 Witmer Road
Niagara Falls, NY 14305

FOR: Towing of abandoned vehicles within the City: \$95.00/vehicle

The price given is what is to be paid to the City for removal of the vehicles.

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to three (3) vendors. Bids were also received from Krantz Auto Recycling (\$85.00 per vehicle) and Page's Automotive (\$80.02 per vehicle).

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY CORPORATION COUNSEL

CLAIM: WILCOX, ELVA

Agenda Item #9

RE: Approval to settle and pay claim of Elva Wilcox in the amount of \$140,000.00

Date Claim Filed: June 8, 2006
 Date Action Commenced: July 10, 2006
 Date of Occurrence: April 2, 2005
 Location: Rainbow Parking Garage
 Nature of Claim: Personal injuries from trip and fall on City property
 Status of Action: Jury selection set for January 15, 2008
 Recommendation: Best interests of City to pay claim.
 Amount to be Paid: \$140,000.00
 Make Check Payable to: **"Nelson Torre, as attorney for Elva Wilcox"**
 Conditions: General Release to City and Stipulation to Discontinue, approved by Corporation Counsel.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
 Nays 0

APPROVED

CLAIM: ROBERTS, KIM

Agenda Item #10

RE: Approval to pay claim of Kim Roberts in the amount of \$1,089.72

RE: *Kim Roberts vs. City of Niagara Falls*

Date of Accident: *June 11, 2007*

The above claimant has incurred medical expenses for personal injuries suffered by her when, while a pedestrian, she was struck by a police vehicle owned by the City of Niagara Falls, New York. The driver of the police vehicle was Officer Charles Fink.

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>
Niagara Orthopaedic	December 3, 2007	\$ 97.72
Northtowns Imaging, P.C.	June 14, 2007	992.00
Total		\$ 1,089.72

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?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
 Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

RECEIVED AND FILED

MAYOR'S APPROVAL OF RESOLUTION 2007-113

Agenda Item #11

Please be advised that on December 24, 2007 Mayor Vincenzo V. Anello duly approved Resolution 2007-113, relative to amending Chapter 305 of the Codified Ordinances entitled "Amusements and Amusement Centers".

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY EMPIRE ZONE BOARD CHAIRPERSON

EMPIRE ZONE BOARD APPOINTMENTS

Agenda item #12

RE: Approval to re-appoint eight individuals to the Empire Zone Board for 2008.

Pursuant to the Empire Zone Local Law approved by Council 2001, the City Council appoints eight members of the Empire Zone Board. Each appointment is for a one year period. The appointments are to be made from a list submitted to the City Council by the Empire Zone Board Chairperson.

All of the current board members wish to remain for an additional year. Accordingly, Mrs. W. Lee Whitaker, Mr. Thomas Pryce, Mr. Paul Parise, Mr. Art Ray, Sr., Mr. Abdul Labi, Mrs. Lucy Muto, Mr. Eddie Palmore and Mr. Thomas Bruss are proposed for reappointment to the Niagara Falls Empire Zone Board for 2008. Attached(on file in City Clerk's Office) is a list of board members showing the areas which each member represents. Also attaché(on file in City Clerk's Office) are resumes for each individual.

Will the Council vote to appoint the eight individuals to the Empire Zone Board through December 31, 2008, or until appointment of replacements?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

RESOLUTION: PINE AVENUE BUSINESS ASSOCIATION ANNUAL DINNER, 2008-9

Agenda Item #13

Relative to the Pine Avenue Business Association Annual Dinner

BY: All Council Members

WHEREAS, on February 2, 2008, the Pine Avenue Business Association will conduct its annual Director's Dinner Dance; and

WHEREAS, Severson Environmental will be honored as the Business of the Year; and

WHEREAS, Michael Capizzi, Jr. of Michael's Restaurant will be honored as the Business Person of the Year; and

WHEREAS, Melissa Morinello of NFMCC will be the recipient of Pine Avenue's Biggest Asset Award; and

WHEREAS, Anna Sannicola, John Caso, Vincenzo Anello, David Young, Marge Gillies, and Maria Massaro will be the recipients of PABA's Community Service Award.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of Pine Avenue Business Association's 2008 Business and Community Service Awards.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: DR. MARTIN LUTHER KING, JR., 2008-10

Agenda Item #14

Relative to honoring Dr. Martin Luther King, Jr.

BY: All Council Members

WHEREAS, "You can't separate peace from freedom, because no one can be at peace unless he has his freedom"; and WHEREAS, Dr. Martin Luther King, Jr. was the principal leader of the civil rights movement during the 1950's and 1960's and as such, eloquently expressed the need for social justice for America's minority population; and

WHEREAS, Dr. Martin Luther King, Jr. was honored for his nonviolent civil rights activism with the 1964 Nobel Peace Prize; and

WHEREAS, in spite of Dr. King's emphasis on nonviolence, he became the target of violence which took his life on April 4, 1968; and

WHEREAS, on Monday, January 21st, 2008, the City of Niagara Falls will officially observe the birthday of Martin Luther King, Jr. and celebrate with the 27th Annual Dr. Martin Luther King, Jr. Luncheon at the Niagara Community Center.

NOW THEREFORE BE IT RESOLVED by the City Council of Niagara Falls, New York that we hereby honor the memory of Dr. Martin Luther King, Jr. and celebrate with the theme of "Planting the Seed for Tomorrow: A Legacy of Hope."

Yeas 5
Nays 0

ADOPTED

RESOLUTION: YOUTH BOARD, APPOINTMENTS, 2008-11

Agenda item #15

Relative to appointments to the Niagara Falls Youth Board

BY: All Council Members

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Youth Board effective immediately for the expiration date, which appears opposite their names:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Candace Corsaro 1826 North Avenue Niagara Falls, NY 14305 - 284-2177	12/31/10
Vincent Cancemi 3923 McKoon Avenue Niagara Falls, NY 14305 - 284-2688	12/31/10
Philip Mohr 4525 Lewiston Road Niagara Falls, NY 14305 622-4505	12/31/10
Alexandrea Dell - Youth Member 1303 Roselle Avenue - Niagara Falls, NY 14305 285-3718	12/31/10
Michael Montanaro - Youth Member 2757 LaSalle Avenue - Niagara Falls, NY 14301 297-1114	12/31/10

Yeas 5
Nays 0

ADOPTED

RESOLUTION: NIAGARA BEAUTIFICATION, DECORATE NIAGARA CONTEST, 2008-12

Agenda Item #16

Relative to the Niagara Beautification Commission Decorate Niagara and Home Holiday Contest.

BY: All Council Members

WHEREAS, the Niagara Beautification Commission held a holiday decorating contest in 2007 and has announced the following winners:

Overall Niagara Falls winner:

Sanja Bruder
and Gordon Bruder 1032 - 97th Street

DeVeaux area:

Robert and Raffaella Pullo 921 Harrison Avenue

Center City area:

Antoinette Rowles 2201 Whitney Avenue

South end area:

Lawrence Gornicki 2627 Welch Avenue

Stella Gornicki

Hyde Park area:

Sam and Marisa Gara 2722 Forest Avenue

LaSalle area:

Fred and Lori Hillman 5634 Lindbergh Avenue

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the Niagara Beautification Commission and all their honorees.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: LASALLE BLUEWAY TRAIL, FUND APPLICATION, 2008-13

Agenda Item #17

Relative to environmental protection fund application for LaSalle Blueway Trail

BY: All Council Members

WHEREAS, the City of Niagara Falls has applied for an environmental protection fund grant for the above referenced project with a total cost of \$246,650 with State assistance in the amount of \$92,500 and a local share of \$154,150 of which \$48,650 would be in-kind services; and

WHEREAS, matching funds will be available from either casino revenue or Power Authority greenway funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: JAYNE PARK RESTORATION PROJECT, FUND APPLICATION, 2008-14

Agenda Item #18

Relative to environmental protection fund application for jayne Park Restoration Project

BY: All Council Members

WHEREAS, the City of Niagara Falls has applied for an environmental protection fund grant for the above referenced project with a total cost of \$290,000 with State assistance in the amount of \$145,000 and a local share of \$145,000; and

WHEREAS, the local share will be available from either casino funds or Power Authority greenway funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: STREET ABANDONMENT, TENTH STREET ALLEY, 2008-15

Agenda Item #19

Relative to abandonment of a portion of the alley running West from Tenth Street between Michigan and South Avenues.

BY: All Council Members

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of the alley running west from Tenth Street between Michigan and South Avenues; and

WHEREAS, this will free this property for the construction of the new courthouse facility; and

WHEREAS, the City Council did by resolution give notice of its intention to abandon the aforementioned alley portion and did direct the City Clerk to publish notice of such intention and that a public hearing would be held by the City Council at its meeting to be held in the Council Chambers on January 14, 2008 at 7:00 p.m. Eastern Standard Time and advised that all persons interested would be heard thereon at said time and place; and

WHEREAS, the hearing was duly held on January 14, 2008 at 7:00 p.m. Eastern Standard Time in regards to the said abandonment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that a portion of the alley described as follows: Commencing at the point of intersection of the south line of said alley with the west line of Tenth Street, said point being 142 feet according to the map and 143.26 feet as recently measured north of the intersection of the north street line of Michigan Avenue with the west street line of Tenth Street, as measured along the west line of Tenth Street; running thence west along the south line of said alley, a distance of 149.99 feet to a point which is also the point of intersection of the south line of said alley with the northeast corner of property of David Slepian as described in Liber 1453 of Deeds at page 21; thence north to a point on the north line of said alley; thence east along the north line of said alley, a distance of 192 feet as shown on the map and 191.81 feet as recently measured to the point of intersection of the north line of said alley with the west line of Tenth Street; thence south along the west line of Tenth Street, a distance of 16 feet to the point and place of beginning is hereby abandoned; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed in the office of the Clerk of the County of Niagara and that the Mayor is authorized to sign deeds or other documents desirable to effectuate this abandonment.

Yeas 5
Nays 0

ADOPTED

NIAGARA POWER COALITION & HOST COMMUNITY STANDING COMMITTEE, REPRESENTATIVE

Agenda Item #20

RE: Approval of designation of representative to Niagara Power Coalition and the Host Community Standing Committee

The by-laws of the Niagara Power Coalition require that each member entity formally designate its voting representative and any alternates.

The City also needs to designate its representative and alternate for the Host Community Standing Committee related to the greenway funding.

It is my recommendation that the City continue the practice of the Mayor being the representative on both the Power Coalition and the Standing Committee and that Thomas M. O'Donnell, the Acting Corporation Counsel, be the alternative representative for both the Power Coalition and the Standing Committee.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

NIAGARA FALLS HOUSING AUTHORITY: WAGE INCREASE

Agenda Item #21

RE: Approval of Niagara Falls Housing Authority wage and salary increases

The Board of Commissioners of the Niagara Falls Housing has approved wage and salary increases for its union and non-union personnel, as set forth in the attached communication dated December 19, 2007.

Section 32 of the Public Housing Law of the State of New York requires the approval of such wage and salary increases by this Council as the local legislative body. None of the wages or salaries of Housing Authority employees are paid by City funds.

Accordingly, will the Council approve the Niagara Falls Housing Authority wage and salary increases for the aforementioned employees in accordance with the attached communication?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

RESOLUTION: FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID, 2008-16

Agenda Item #22

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 supporting funds therfor
BY: Council Chairman Samuel Fruscione

WHEREAS, a Project for the reconstruction of 10th Street, from Niagara Street to Cedar Avenue and Cedar Avenue from Main Street to 10th Street, in the City of Niagara Falls, Niagara County, PIN 5757. (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the Project, PIN 5757.17.

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$570,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated, \$ 570,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) phase exceeds \$810,000, the City of Niagara Falls shall convene its City Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Niagara Falls with New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

Yeas 5

Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:35 p.m.

Carol A. Antonucci
City Clerk



JANUARY 28, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the January 28, 2007 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr., Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator William J. Bradberry, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of January 14, 2007.

Yeas	5
Nays	0

APPROVED

In his Administrative Update, City Administrator William Bradberry introduced Department Heads who were present. He said that by the Council, Administration and Department Heads all working together, goals that were set could be realized more quickly. Council Member Robins noted that the Council's involvement was important.

City Controller Maria Brown spoke on bonding for Capital Projects, and a lengthy discussion followed with the Administration and Council Members on establishing equipment and personnel needs.

Chairman Fruscione asked about the status of the Police Substation on 18th Street, and a discussion followed on use of Community Development funds for the project, and funding also from the School District. The Council agreed to appropriate funding at the next Council Meeting to get the project started. Police Superintendent John Chella added that the Substation would be a multi-use building, with the Block Clubs using it for meetings.

Council Member Robins asked for an update on the status of parking meters/lots as soon as possible.

Mayor Paul Dyster reported that he had met with John Percy from the Niagara Tourism and Convention Center regarding solutions for keeping the downtown area clean, and a discussion followed. The Council Members spoke about additional personnel to clean that area, and various other solutions.

Mrs. Brown gave a report on revenue for funding the trolley for tourists. There is a surplus in the fund, but use of it is restricted.

This Session ended at 4:40 PM

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Marge Gillies	Niagara Beautification Grant
Arthur Garabedian	Loss of tourist attractions

The following was RECEIVED AND FILED:
Agenda Item #1
City Clerk's report for December, 2007.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BID #1-08, JANITORIAL SUPPLIES

Agenda Item #2

RE: Approval of Bid #1-08 with assorted companies for janitorial supplies

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

TO: Harpor Paper Company
2403 Hyde Park Blvd.
Niagara Falls, NY 14305

FOR: Items: 1-4, 6, 7, and 13 per the attached(on file in City Clerk's Office) tally sheet.

TO: Dobmeier Janitorial
354 Englewood Avenue
Buffalo, NY 14223

FOR: Items: 16-18 per the attached(on file in City Clerk's office) tally sheet.

TO: Central Poly
18 Donaldson Place
Linden, NJ 07036

FOR: Items: 10a-11a, 12a and 14a per the attached(on file in City Clerk's Office) tally sheet.

TO: Corr Distributors, Inc.
90 Pearce Ave.
Tonawanda, NY 15150

FOR: Items: 5, 8, 9 and 15 per the attached(on file in City Clerk's Office) tally sheet.

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Seven (7) vendors. Six (6) bids were received. The above referenced companies submitted the lowest bids to meet our specifications for each respective item.

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

BUDGET AMENDMENT: MAYOR'S SECRETARY SALARY

Agenda Item #3

RE: Approval to amend budget by adding \$6,980 to increase salary of Mayor's secretary.

The 2008 adopted budget set the salary for the Mayor's secretary at \$28,500. Due to the extensive qualifications and prior work history with the City of the individual appointed to the position, I am requesting that the Council amend the budget to increase the salary to \$34,504.00, effective January 1, 2008.

With FICA and increased pension and life insurance costs, the increase will be \$6,980.00. Funds are available in the contingent account (A.1990.7660.0449.599) created as part of the 2008 budget.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: CHANGE ORDER, CLOUGH, HARBOUR & ASSOCIATES, LLP

Agenda Item #4

RE: Approval of Change Order #1 with Clough, Harbour & Associates, LLP for Buffalo Avenue reconstruction.

A contract for consultant services of the above referenced project was awarded to Clough, Harbour & Associates, LLP, 295 Main Street, Suite 900 Buffalo NY on April 10, 2006, in the amount of \$2,500,000.00.

Subsequent to the start of work, radiological issues were uncovered that require the consultant to conduct additional environmental investigations to satisfy State and Federal requirements. Those additional tests and the design accommodations that follow were not included within the project's original scope. The total to date for his work is estimated to be \$123,500.00. Existing dollar amounts in our present contract with Clough, Harbour & Associates for the future detailed design phase will allow the City to fund these requisite tasks without exceeding the original contract amount, and allow the preliminary design process to continue without interruption.

Therefore, it is the recommendation that Change Order # 1 be approved in the amount of \$0.00.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACTS: NIMAC, NIACAP, N.F. BEAUTIFICATION COMMISSION, N.F. BLOCK CLUB COUNCIL AND NACC

Agenda Item #5

RE: Approval of contracts with NIMAC, NIACAP, N.F. Beautification Commission, N.F. Block Club Council and NACC

The 2008 budget contains appropriations of \$2,500 for NIMAC; \$22,500 for NIACAP; \$5,000 for the Niagara Falls Beautification Commission; \$10,000 for the Niagara Falls Block Club Council; and \$30,000 for NACC. In order to effectuate these, appropriation agreements with the respective agencies are required.

Will the Council authorize the Mayor to execute agreements in these respective amounts in forms acceptable to the Corporation Counsel?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #6

RE: Approval of contract with Niagara County Office for the aging to lease space at the LaSalle facility

Annually the City enters into agreements with the Niagara County Office for the Aging to allow the County to lease space in the LaSalle Facility for the operation of its nutrition site in exchange for annual lease payments totaling \$2,431, and to reimburse the City in the amount of \$9,025 for the City's operation of an information and assistance services program.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

COURTHOUSE DEVELOPER COSTS: INVOICE #21

Agenda Item #7

RE: Approval to pay Invoice #21 for Courthouse Developer costs in the amount of \$470,302.37 for a total to date of \$5,826,937.77.

Attached(on file in City Clerk's Office) is Invoice #21 from the Developer for \$470,302.37

Total paid to date is \$5,826,937.77.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

BUDGET AMENDMENT: ASSOCIATE DIRECTOR OF YOUTH SERVICES BUREAU

Agenda Item #8

RE: Approval of Budget Amendment to recreate Associate Director of Youth Services Bureau.

In 2007, the Associate Director of Youth Bureau position was abolished and a Golf Recreation Youth Services Specialist position was created. Since that time, it has been found that the position is not eligible for reimbursement from the State of New York and, therefore, it is recommended that the specialist position be abolished and the Associate Director reestablished. A copy of the job description is attached(on file in City Clerk's Office) hereto.

Will the Council vote to eliminate the Golf Recreation Youth Services Specialist position and create the Associate Director of Youth Services position in the Youth Bureau, Code A7310.440.0110.000 at the annual amount of \$36,036 and transfer the funding for the one half of the Golf Recreation Youth Services Specialist currently budgeted in the golf course to the Youth Bureau as shown on the attachment(on file In City Clerk's Office)?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:10 p.m.

Carol A. Antonucci
City Clerk



FEBRUARY 11, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the February 11, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:00 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator William J. Bradberry, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

David Kinney, DPW Director, spoke on the needs of his Department. He noted that with his staffing levels, if he had the proper amount of new equipment, the entire City could be cleared within 12 hours after a major snow storm.

In his Administrative Update, City Administrator William Bradberry acknowledged the efforts of the Public Works Department in dealing with the recent flooding and icy conditions on Cayuga Island, and said that a long term plan is needed to address the problem. He also spoke on the 18th Street Sub-Station, and Community Development Director Robert Antonucci added that negotiations are ongoing for rent and utility costs for a site, and \$15,000 in CD funds is available for the project. It is anticipated that the project will be on the Agenda for the next Council Meeting.

In response to Chairman Fruscione, Mayor Paul Dyster said that the final Steelworkers contract has been approved, and Acting Corporation Counsel Thomas O'Donnell said he will have it on the Agenda for the next Council Meeting.

Director of Inspections Guy Bax addressed Agenda Item #3, relative to the sale of property that the City had already prepared for demolition. He noted that taxpayer dollars had been used for asbestos abatement, and now the property was to be sold to a private developer. The developer was present to address Council Member Robins' question on a timeline for completing the rehabilitation of the property.

This Session ended at 4:35 PM

Council Member Robins moved to approve the Minutes from the City Council Meeting of January 28, 2007.

Yeas	5
Nays	0

APPROVED

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Robins and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Norma Higgs

Robert Miller

Jerry Genova

Candace Corsaro

David Fabrizio

Agenda Item #3

Agenda Item #3

Tourism Board support for expansion of Players

Benefit for Playground at North Ave. & Lockport St.

Niagara Falls Veterans' Memorial update

The following was RECEIVED AND FILED:

Agenda Item #1

Claims Report for January, 2008.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CREATION OF TWO CITY POSITIONS: EMPIRE ZONE & RENEWAL COORDINATORS

Agenda Item #2

RE: Approval to create the positions of Empire Zone and Minority Business Coordinator and Renewal Community Coordinator

Over the years, various positions have migrated from the City payroll to the Niagara Falls Urban Renewal Agency and N.F.C. Development Corp. In addition, new employees have been hired by these instrumentalities to perform what are essentially City functions. These changes have been made to accommodate various grant requirements, to fund positions with other than City funds or for personnel reasons.

NFURA employees, as employees of a municipal urban renewal agency created by the State legislature, have participated in the State retirement system. N.F.C. employees, as employees of a not-for-profit corporation, albeit one performing functions assigned to it by the City, cannot participate in the State retirement system. In addition, the existence of these positions outside the City system has resulted in confusion as to salaries, benefits and job responsibilities.

It is proposed that two positions currently operating under NFC Development Corp. be brought back into the City system. The two City positions to be created are:

1. Empire Zone and Minority Business Coordinator at \$40,000.00 (\$37,163.40 approved by N.F.C., increase to be presented at next meeting), budget code A391.CD; and
2. Renewal Community Coordinator at \$34,855.64 (amount approved by N.F.C.), budget code A391.CD.

Job specifications for these positions are attached. The employees currently holding these jobs have participated in the preparation of these specifications. The employees have reviewed the descriptions and agreed that they are accurate.

The salaries of these positions will be reimbursed for 2008 by N.F.C. In 2009, the salaries can be paid from casino revenues, reimbursed by NFURA, by N.F.C., or paid from City funds, as the Mayor, Council and appropriate agencies determine.

The Empire Zone and Minority Business Coordinator salary is partially paid by a State Economic Development Department grant, which runs from July 1 through June 30. Next year, the City will act as Zone Administrative Entity under the Empire Zone statutes [General Municipal Law §957(m)]. The Coordinator will be a City position. The City will sign the grant agreement with the State.

If approved, these two positions will be subject to final review by the State Civil Service Commission. The job specifications for the Empire Zone and Minority Business Coordinator and Renewal Community Coordinator have been approved by the local commission, and will be submitted to the State Commission on approval.

The two positions are proposed as exempt, non-competitive positions. It is believed the State Commission generally approves Director/Department Head level positions as exempt, and classifies any position below those as competitive. Zone Coordinators around the State have been classified competitive positions. If the State Civil Service Commission determines that any of the positions should be classified as competitive, the decision is binding. The only option of the City would be not to create the position.

Will the Council vote to approve the creation of the two positions as set forth herein?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY CORPORATION COUNSEL

CITY PROPERTY SALE: 21 HYDE PARK BOULEVARD

Agenda item #3

RE: Approval of sale of 21 Hyde Park Boulevard to Rolland Development Corporation for \$4,000.00

The above referenced property had been slated for demolition and was in fact included on the most recent demolition contract. The City had previously expended \$34,323 to abate the asbestos in the structure to prepare it for demolition.

Because of the historic significance of properties in the Echota section of the City, William and Mary Ann Rolland, the principals of Rolland Development Corporation, expressed interest in two properties that were in the demolition contract in that area. Because of the advanced deterioration of the other property, they focused their interest on 21 Hyde Park Boulevard and subsequently offered to purchase it from the City for \$4,000.

The Rollands have prior experience in rehabilitating historic structures, including the property located at Cleveland and Tenth Street, which they previously acquired from the City.

Will the Council approve the sale of these premises for this price in "as is" condition, with the closing to be performed within 30 days, and with the standard precondition that the purchasers are not delinquent with any tax or water bill, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: ROBERTS, KIM

Agenda Item #4

RE: Approval to pay claim of Kim Roberts in the amount of \$29.66

The above claimant has incurred medical expenses for personal injuries suffered by her when, while a pedestrian, she was struck by a police vehicle owned by the City of Niagara Falls, New York. The driver of the police vehicle was Officer Charles Fink.

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>
Niagara Orthopaedic	January 17, 2008	\$ 29.66
Total		\$ 29.66

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?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

RESOLUTION: WORLD KIDNEY DAY, 2008-17

Agenda Item #5

Relative to "World Kidney Day"

BY: All Council Members

WHEREAS, more than 26 million Americans, about one in nine adults, suffer from chronic kidney disease; and

WHEREAS, of the 31,000 New Yorkers afflicted with end-stage renal disease, approximately 40 percent are African American and 16 percent are Hispanic; and

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases; and

WHEREAS, the National Kidney Foundation of WNY has a health screening program to identify people in the early stages of kidney disease. The mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation; and

WHEREAS, the Honorable Paul A. Dyster of the City of Niagara Falls, New York has proclaimed March 13th, 2008 as "World Kidney Day" in the City of Niagara Falls, New York in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York and throughout the country and the world.

NOW THEREFORE BE IT RESOLVED, by the Niagara Falls City Council, that we recognize and applaud the work of the National Kidney Foundation of WNY which helps to create awareness about chronic kidney disease and educates the public regarding diet, exercise, lifestyle management, and proper nutrition to help slow the progression of chronic kidney disease.

BE IT FURTHER RESOLVED that the Niagara Falls City Council asks the citizens of Niagara Falls, New York to join them, along with Mayor Dyster, in spreading awareness about this devastating disease by commemorating March 13th, 2008 as "World Kidney Day."

Yeas 5
Nays 0

ADOPTED

RESOLUTION: STREET RENAMING, CENTER COURT REVITALIZATION PHASE 1, 2008-18

Agenda Item #6

Relative to renaming streets in Center Court Revitalization Phase 1

BY: Council Member Charles Walker

WHEREAS, Center Court Park is now in the process of being re-subdivided to reflect the new ownership and the new property configuration, and

WHEREAS, under the City Codified Ordinances Section 901.02, the City Council has sole authority for naming and re-naming streets, and

WHEREAS, the new subdivision map, showing the new streets and street names is annexed hereto,

NOW THEREFORE BE IT RESOLVED, that the street names Calumet Avenue (a slightly offset extension of existing Calumet Avenue) and Diamond Park Lane and Eagle Heights (new streets which are each approximately one block long which do not extend outside the subdivision) are hereby declared approved. The alleys will not be named.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: MARRIAGE OFFICER APPOINTMENTS, 2008-19

Agenda Item #7

Relative to appointment of Marriage Officers

BY: Council Chairman Samuel Fruscione

WHEREAS, Niagara Falls has an international reputation as "The Honeymoon Capitol"; and

WHEREAS, couples arrive at the City Clerk's Office from all over the world to obtain a marriage license; and

WHEREAS, it is advantageous for the City and convenient to the couple to have these marriages solemnized within the confines of the City of Niagara Falls.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that in accordance with Section 11-c of the New York Domestic Relations Law the following employees in the City Clerk's Office, Patricia J. Heichel and Leonard G. Lapp, Jr. be appointed as Marriage Officers for the City of Niagara Falls for a term of four years; and be it further

RESOLVED, that Clara A. Hughes be removed as a Marriage Officer since she is no longer employed in the City Clerk's Office; and be it further

RESOLVED, that the fee for such marriage service shall be \$100.00; and be it further

RESOLVED, that the fees for all marriages performed by said Marriage Officers during normal business hours be deposited to the credit of the City of Niagara Falls.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:15 p.m.

Carol A. Antonucci
City Clerk



February 25, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the February 25, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator William J. Bradberry, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of February 11, 2008.

Yeas	5
Nays	0

APPROVED

Christina Ventry gave a presentation on the Niagara Intrepid Project for a Veterans Rehab Center, and asked the Council for their support for the Project.

Chris Schoepflin of USA Niagara gave a presentation on the economic impact of the expansion of the Four Points Sheraton Hotel. The Project would be funded by the City, USA Niagara and a private developer.

Mayor Paul Dyster and Fire Chief William MacKay spoke on CPR training for City employees, and the Mayor presented a proclamation to Jane Travis of the Law Department, who used her training to help a citizen who was stricken at the Casino.

In his Administrative Update, City Administrator William Bradberry encouraged all City employees and the Council Members to avail themselves of the CPR training, and he thanked the Safety Committee for arranging the training.

David Kinney, Director of the Department of Public Works, spoke on the need for updating the sprinkler system, the computers and printer, and the ID system at the golf course. He has submitted these items for the Capital Plan. He also reported that the hot patch truck has been cleaned and repaired, and is ready to be used.

Mr. Bradberry said that a lease agreement is the first step for the 18th Street Corridor Project, and the School District is committed to help with the Project. He is also discussing support with additional entities.

Chairman Fruscione asked about release of the funds for the Hope VI Project, and Acting Corporation Counsel Thomas O'Donnell responded that no date has been set.

This Session ended at 4:55 PM

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Stephen Dojka	Agenda Item #6
Linda Quinn	Agenda Item #6
Ronnie Ketch	Agenda Item #6
Vivian Pokrzyk	Agenda Item #6
Christine Sanborn	Agenda Item #6
Bill MacKay	Agenda item #2
Roger Spurbach	Agenda Item #3
Norma Higgs	Agenda Item #3
Remi Gonzalez	Agenda Item #6
Penny Addoms	Agenda Item #6 and recycling
Tom Yots	Agenda Item #6
Phil Jarosz	Agenda Item #6
Arthur Garabedian	Courthouse Project Manager, Downtown Developers-Council Member Robins informed Mr. Garabedian that Mr. Joseph Anderson does not lease the Wintergarden. He owns it.

The following was RECEIVED AND FILED:
Agenda Item #1
City Clerk's Report for January, 2008.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

BUDGET APPROPRIATION, FIRE DEPARTMENT

Agenda Item #2

RE: Approval to appropriate \$58,000 to equipment line in Fire Department for proposed equipment purchases

As part of the 2008 budget process, Council eliminated the various equipment purchase lines contained in the proposed budget.

It is requested that the Council appropriate \$58,200 to fund the proposed equipment purchases in the Fire Department as set forth on the attached (on file in Clerk's Office) spreadsheet. Funding is available from the Casino interest, which has been transferred to the General Fund.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: 18TH STREET CORRIDOR POLICE SUBSTATION, C.R. COLAVECCHIA

Agenda Item #3

RE: Approval of lease agreement for 18th Street Corridor Police Substation with Charles R. Colavecchia

The Department of Community Development has concluded its research regarding the availability of leasehold space in the 18th Street area that would be suitable for a police substation/community resource center. Four (4) properties were identified for potential use; however, after numerous attempts to contact the owners, only two (2) responded to our inquiries. After examining both properties it is our recommendation that the City enter into a one year lease agreement with the above referenced property owner for approximately 1,522 sq, ft of commercial office space located at 1667 Linwood Avenue.

This location will provide an extremely well maintained commercial unit that will be suitable for use by the Niagara Falls Police Department and by community groups such as the Niagara Falls Block Club Council. The property owner has agreed to lease the aforementioned space for \$750.00 per month plus utilities. Utility bills for the subject premises were examined for a one year period from 11/06-10/07. Utility costs are estimated to cost an additional \$400 per month for heat, electric and phone. Based on these estimates, the \$15,000 allocation of Community Development funds previously approved by City Council seems sufficient to cover the City's costs for a one-year period.

It is our recommendation that City Council approve a one-year lease agreement with Charles R. Colavecchia for a commercial unit located at 1667 Linwood Avenue at \$750.00 per month plus utilities. It is our understanding that City Council has agreed to advance Casino Interest Funds for this project until the 2008 Community Development Block Grant Fund is released to the City by HUD. Once CD funds are received, the City will be reimbursed for payments made and Community Development will assume all payments thereafter.

Will the Council vote to so approve and authorize the Mayor to execute the required lease agreement?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas
Nays

5
0

APPROVED

Agenda Item #4

RE: Approval to extend Community Development funding grants with God's Women House of Hosea and New Jerusalem Boy's Reporting Center

The above referenced sub-grantees received funding through the Department of Community Development in 2007 to conduct programs serving homeless women and youthful offenders, respectively. The standard annual funding agreement between the City and a sub-grantee is for a twelve-month period, normally expiring on December 31. Both sub-grantees have unexpended funding from the 2007 program year that they would like to utilize in 2008. This action requires City Council approval to carry over the funding and execute a new grant agreement.

God's Woman House of Hosea currently operates two shelters for homeless women in the City. City Council previously allocated \$13,750 of Emergency Shelter Gant funds to help offset operating costs at the facilities. A \$6,200 fund balance exists and God's Woman House of Hosea is requesting that \$4,800 be approved to replace a deteriorated roof at one of the facilities. If approved, a new grant agreement will be prepared, requiring a ten-year occupancy use as a homeless shelter. God's Woman will be required to reimburse the City if they fail to meet this requirement. Additionally, a mortgage lien in the amount of the grant will be placed on the property receiving the new roof.

Independent Church of Christ in God received Council approval last year for \$100,000 in Community Development Block Grant funds to operate a boy's reporting center located at 2709 20th Street, The Boy's Reporting Center provides counseling and guidance to young men referred to them by the juvenile justice system and the Probation Department. A \$28,384 fund balance exists in this project line and they have requested that these funds be utilized in 2008 to continue funding the operation of the program. If approved a new grant agreement will be executed allowing the continued use of Community Development funds in 2008.

It is our recommendation that City Council approve the extension of funding agreement for God's Woman House of Hosea and the Boy's Reporting Center as outlined above.

Will the Council vote to so approve and authorize the Mayor to execute the required grant agreements?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #5

RE: Approval to appoint Commissioner of Deeds for a term from April 1, 2008 to March 31, 2010

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2008 to March 31, 2010.

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

Frank Coney	Niagara Falls Police Dept.
John DeMarco	Niagara Falls Police Dept.
Michael Kachurek	Niagara Falls Police Dept.
Dave Kinney	Niagara Falls Police Dept.
Nicholas Ligammari	Niagara Falls Police Dept.
Raymond Maietta	Niagara Falls Police Dept.
William Smith	Niagara Falls Police Dept.
Frank Tedesco	Niagara Falls Police Dept.
Stanley R. Wills	Niagara Falls Police Dept.
Leonard Lapp	City Clerk's Office
Donna L. Crawley	City Court
Cynthia L. Davey	City Court
Nicole Feathers	City Court
Moira Prokop	City Court
Nancy L. Valery	City Court
Lisa Kaczor	627 Pasadena Ave., NF, NY 14304
Patrick Moriarty	NYS Parks Police
Laura A. Smith	542 Portage Rd., NF, NY 14301
Kandie Stedman	231 Niagara St., Lockport, NY 14094
Marlene J. Sues	5130 Dana Dr., Lewiston, NY 14092
Joyce A. Wiepert	3504 Ransomville Rd., Ransomville, NY 14131

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

HISTORIC PRESERVATION: HOLY TRINITY CATHOLIC CHURCH COMPLEX

Agenda Item #6

RE: Approval of Historic Designation of 1417 Falls St., Holy Trinity Catholic Church Complex

Attached (on file in the Clerk's Office) is the report from the Niagara Falls Historic Preservation Commission recommending designation of 1417 Falls Street, the Holy Trinity Catholic Church complex, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the exterior of the church, school, convent, garage and rectory, together with the interior of the church nave, apse and narthex. This proposed designation was approved based on the action of the Commission on its own initiative pursuant to the Historic Preservation Ordinance. The property is listed in the assessor records as owned by Holy Trinity Roman Catholic Church Society of Niagara Falls, New York.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the historic landmark designation of the exterior of the church, school, convent, garage and rectory, together with the interior of the church nave, apse and narthex for the Holy Trinity Catholic Church complex at 1417 Falls Street, and forward the designation to the Mayor, as provided by City Ordinance?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

Council Member Robins said that now the property needs to be maintained.

RESOLUTION: NIAGARA COUNTY REALITY CHECK, 2008-20

Agenda Item #7

Relative to the Niagara County Reality Check

BY: All Council Members

WHEREAS, smoking is the number one cause of preventable death in the United States; and

WHEREAS, the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates. In 2003, tobacco companies spent \$15.1 billion to market cigarettes in the United States, including \$516 million in New York. Children who report seeing cigarette advertising in stores are 33% more likely to have experimented with smoking; and

WHEREAS, three out of four teenagers are reported to shop at convenience stores at least once a week, and are therefore exposed at high rates and with great frequency to tobacco marketing; and

WHEREAS, stores within 1000 feet of schools in New York were significantly more likely to place ads near candy displays and also had significantly more tobacco advertisements posted on the store exterior than stores further from schools. An estimated 1/3 of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities; and

WHEREAS, Niagara County Reality Check is a group of youth working together to reduce the use of tobacco and exposure to secondhand smoke in Niagara County. One specific goal of the Reality Check is to reduce youth initiation of tobacco use. Because advertising has been shown to be a primary influence for youth initiation of tobacco use, as part of a New York statewide initiative, one specific objective of the Reality Check is to reduce the amount of tobacco advertising in the retail environment.

NOW THEREFORE BE IT RESOLVED, that the Honorable Paul A. Dyster of the City of Niagara Falls, New York, along with the Niagara Falls City Council, hereby supports the efforts of Niagara County Reality Check to protect the youth of the City of Niagara Falls by reducing tobacco advertising.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: VETERAN'S MEMORIAL SITE DESIGNATION, 2008-21

Agenda Item #8

Relative to the designation of Veteran's Memorial Site

BY: All Council Members

WHEREAS, the Niagara Falls Veteran's Memorial Commission was established to create a Memorial in the City of Niagara Falls to honor the memory of all those brave men and women from Niagara Falls, New York, who have given their lives for their country; and

WHEREAS, the Commission has received its designation as a Non-Profit Corporation pursuant to the laws of the State of New York; and

WHEREAS, the Commission has formulated an initial design plan that has been presented to the public for their input, ideas and recommendations in the finalization of the memorial; and

WHEREAS, the site dedication for the Veteran's Memorial will be a portion of the Hyde Park land within the City of Niagara Falls. It will not include the parking areas or the shelter areas. A copy of the map it attached.

NOW, BE IT RESOLVED, that the Niagara Falls City Council hereby designates a portion of the Hyde Park land in the City of Niagara Falls as the official memorializing site for the Niagara Falls Veteran's Memorial.

Yeas	5
Nays	0

ADOPTED

The Council Members commended the committee working on this project.

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 8:00 p.m.

Carol A. Antonucci
City Clerk



MARCH 10, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the March 10, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr., Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of February 25, 2008.

Yeas	5
Nays	0

APPROVED

Robin Krueger of the Community Mission gave a presentation on the Mission's new housing project for individuals who are mentally ill.

Mayor Paul A. Dyster informed the Council Members that City Administrator William Bradberry is on a medical leave.

Mayor Dyster and Council Member Chris Robins gave a presentation on the 2008 Capital Plan expenditures.

Council Member Robins asked how the plan to establish a pothole website was progressing, and the Mayor responded that the materials and manpower needs have to be addressed before the website can be activated.

Council Member Anderson noted the number of calls he had received about tickets that were given out during the weekend snowstorm for cars that were not able to be moved, and Mayor Dyster said that the Ordinances need to be changed to address this situation, and neighbors need to help each other to clear their streets for the plows.

Fire Chief William MacKay showed the Council Members turnout gear that had saved a Firefighter from serious injury, and thanked the Council for their support in funding to keep the gear updated.

The Council Members amended Agenda Items #7 and 14.

Acting Corporation Counsel Thomas O'Donnell responded to Council Member Fournier's question on Agenda Item #6, and Chairman Fruscione's question on the release of funding for the Housing Authority by the State.

This Session ended at 5:05 PM

Chairman Fruscione reconvened the Meeting at 7:07 p.m. in the Council Chambers with all Council Members present. The Chairman led the gathering in the prayer and Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Ken Hamilton	Agenda Item #18
Rob Bennett	Recreational Opportunities
Bishop Booze	Recreational Opportunities
Mike Esposito	Recreational Opportunities
Dennis Hengst	Increase tourism opportunities
Paul Gromosiak	Niagara Experience Center
Ken Hamilton	Recreational opportunities & Organ donation
Tiffany Melendez	Recreational Opportunities
C. J. Cox	Recreational Opportunities
Arthur Garabedian	Four Points Sheraton Hotel expansion

The following was RECEIVED AND FILED:
Agenda Item #1
Claims Report for February, 2008.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

BUDGET AMENDMENT: ENGINEERING

Agenda Item #2

RE: Approval to amend budget and fund an additional \$5,000 to Engineering overtime line

The 2008 adopted budget included \$1,000.00 for overtime for the Engineering Department. Due to the lack of a City Engineer on staff, additional duties have been performed by Engineering personnel and the overtime allotment has been depleted. I am requesting that the Council amend the budget to increase the Engineering overtime fund an additional \$5,000.00. Funds are available in A1440.0000.0110.000 (Biweekly Payroll).

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

HOMELAND SECURITY GRANT: POLICE DEPARTMENT

Agenda Item #3

RE: Approval to accept \$325,000 Homeland Security Grant to Police Department

The Police Department has been awarded a \$325,000 grant under the above referenced program.

This is for training and equipment on the attached(on file in City Clerk's Office) list.

There is no City match required for this grant.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any necessary contract or other documentation to accept the grant?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: STEELWORKERS LOCAL 9434-02

Agenda Item #4

RE: Approval of 2005-2008 Collective Bargaining Agreement with Steelworkers Local 9434-02

Enclosed(on file in City Clerk's Office)please find the proposed Memorandum of Agreement between the United Steelworkers of America Local 9434-02 and the City of Niagara Falls

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

2008 CAPITAL PLAN

Agenda Item #5

RE: Attached(on file in City Clerk's Office) is the proposed capital list for 2008, which will receive funding from three sources: Casino Interest, General Obligations Bonds and Pay as you Go.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: SESAC, COPYRIGHT LICENSING

Agenda Item #6

RE: Approval of copyright licensing agreement from SESAC in the amount of \$1,622.00

As the City is now sponsoring musical performances, it needs to assure that it has the current copyright license agreements.

The City has received a licensing agreement from SESAC one of the copyright licensing entities for the period January 1, 2007 through December 31, 2008 in the amount of \$1,622.00.

Funding would come from the advertising line in the Tourism Fund budget.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA SUMMER FINE ARTS PROGRAM, INC.

Agenda Item #7

RE: Approval of agreement with Niagara Summer Fine Arts Program, Inc. for summer concert series

Attached(On file in the City Clerk's Office) are the proposals for concert series to be funded from the tourism fund and to be organized by the Niagara Summer Fine Arts Program, Inc.

Use \$26,500 from 2007 Tourism Fund Balance

Use \$10,000 from T.6410.0000.0449.068

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

Council Member Robins moved to amend the communication to show funding sources.

Yeas 5
Nays 0

APPROVED

Council Member Walker moved that the communication be received and filed and the recommendation approved as amended.

Yeas 5
Nays 0

APPROVED

CONTRACT: SANTO CANDELLA CONSTRUCTION CO., INC., BOARDING UP

Agenda Item #8

RE: Approval of Bid #3-08 with Santo Candella Construction Co., Inc. for boarding up of buildings

Bid #3-08 Boarding Up of Various Dilapidated and Fire Damaged Buildings

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

TO: Santo Candella Const. Co., Inc.

118 74th Street

Niagara Falls, NY 14304

FOR: Boarding up of various dilapidated and fire damaged structures, privately and publicly owned, deemed hazardous by the Inspections Department and Fire Department.

Price per square foot of sheathing used: \$1.90/sq. ft.

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Six (6) vendors. The above referenced company submitted the only bid.

Funds for this expenditure are available in the Inspections Department code: A3620.0000.0449.599 and the Fire Department code: A3410.3030.0449.599.

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

LIBRARY BOARD: APPOINTMENT

Agenda Item #9

RE: Approval of appointment of Barbara J. Smith to the Library Board I hereby appoint to the Library Board as follows:

APPOINTMENT

TERM EXPIRES

Barbara J. Smith

12/31/12

3240 Dudley Avenue

Niagara Falls, NY 14303

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

HOME IMPROVEMENT REGISTRATION BOARD: APPOINTMENTS

Agenda Item #10

RE: Approval of appointments to the Home Improvement Registration Board

THIS ITEM WAS PULLED. NO ACTION WAS TAKEN

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE CORPORATION COUNSEL

CLAIM: BONES, ARIELLE

Agenda Item #11

RE: Approval to settle and pay claim of Arielle Bones in the amount of \$3,000

Date Claim Filed: September 6, 2006
Date Action Commenced: May 16, 2007
Date of Occurrence: August 7, 2006
Location: Hyde Park Boulevard
Nature of Claim: Personal injuries, auto accident.
Status of Action: Litigation
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: \$3,000.00
Make Check Payable to: Nicholas, Perot, Smith, Bernhardt & Zosh, P.C. as attorneys .
Conditions: Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: REID, ALAN T.

Agenda Item #12

RE: Approval to settle and pay claim of Alan T. Reid in the amount of \$3,300

Date Claim Filed: November 10, 1999
Date Action Commenced: October 26, 2000
Date of Occurrence: August 23, 1999
Location: Niagara Falls Boulevard at Tuscarora Road
Nature of Claim: Negligence in direction of traffic at accident scene.
Status of Action: Action stage.
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: \$3,300.00
Make Check Payable to: Mark Grossman as attorney for Alan T. Reid.
Conditions: Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: JONES, RAHSHEENA

Agenda Item #13

RE: Approval to settle and pay claim of Rahsheena Jones in the amount of \$4,500

Date Claim Filed: September 8, 2004
Date Action Commenced: July 14, 2005
Date of Occurrence: June 8, 2004
Location: Holding Center, Public Safety Building
Nature of Claim: Slip and fall.
Status of Action: Action stage.
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: \$4,500.00
Make Check Payable to: Stamm, Reynolds & Stamm as attorneys for Rahsheena Jones
Conditions: Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: PUGH, EARL-BECKWITH, CYNTHIA-THOMPSON, KELVIN-HILSON, LUEVINA-DORAN TRUCKING-STREET, EDWARD

Agenda Item #14

RE: Approval to settle and pay claims of Earl Pugh, Cynthia Beckwith, Kelvin Thompson, Luevina Hilson, Doran Trucking and Edward Street for tire damage caused by Highland Bridge expansion joint

Date of Occurrence: January 23, 2008
Location: Highland Avenue Bridge
Nature of Claim: Tire damage caused by bridge expansion joint.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: \$118.59
Make Check Payable to: Earl Pugh
Amount to be Paid: \$247.50
Make Check Payable to: Cynthia Beckwith
Amount to be Paid: \$135.78
Make Check Payable to: Kelvin L. Thompson, Jr.
Amount to be Paid: 265.28
Make Check Payable to: Luevina Hilson
Amount to be Paid: 2,412.33
Make Check Payable to: Doran Trucking Co.
Amount to be Paid: \$328.17
Make Check Payable to: Edward Street
Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Robins moved to amend the communication to include Edward Street.

Yeas 5
Nays 0

APPROVED

Council Member Walker moved that the communication be received and filed and the recommendation approved as amended.

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE TRAFFIC ADVISORY COMMISSION

RECEIVED AND FILED
Agenda Item #15

At the Traffic Advisory Commission meeting held on February 26, 2008, the Commission DENIED the following items:

1) Request submitted by Dominick Rizzo, 605 - 25th Street to INSTALL A "NO STANDING ANYTIME" PARKING RESTRICTION ON PINE AVENUE, SOUTH SIDE, JUST EAST & WEST OF ALLEY BETWEEN 25TH & 26TH STREETS. The Commission feels that to install a parking restriction on Pine Avenue and 25th Street near the alley location would negatively impact local businesses in that area who rely on on-street parking for their clients. In addition, this would also affect uniformity on the entire street.

2) Request submitted by Lila Rankin on behalf of her son Samuel, 631 - 27th Street to INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 631 - 27TH STREET. Upon inspection there is a driveway with an apron at this location which can be used for access. Therefore, the Commission recommended denial.

SOUTH MILITARY ROAD: OVERNIGHT PARKING

Agenda Item #16

RE: Approval to install alternate overnight parking on South Military Road between the east end of bridge (East of Cayuga Drive) to Frontier Avenue

At a Traffic Advisory Commission meeting held on February 26, 2008, the Commission recommended APPROVAL of the following item, as amended:

INSTALL ALTERNATE OVERNIGHT PARKING ON SOUTH MILITARY ROAD BETWEEN THE EAST END OF BRIDGE (EAST OF CAYUGA DRIVE) TO FRONTIER AVENUE

A Petition from the residents of this block was received with 73% signatures.

Submitted By: Thomas Singer, 9013 S. Military Road, and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

WEST RIVERSHORE DRIVE: 20 MPH SPEED LIMIT

Agenda Item #17

RE: Approval to reduce the existing 30 MPH speed limit to 20 MPH on West Rivershore Drive, between S 86th Street and dead end

At a Traffic Advisory Commission meeting held on February 26, 2008, the Commission recommended APPROVAL of the following item, as amended:

REDUCE THE EXISTING 30 MPH SPEED LIMIT TO 20 MPH ON WEST RIVERSHORE DRIVE, BETWEEN S. 86TH STREET & DEAD END

Submitted By: Arthur Jocoy Jr., 8432 West Rivershore Drive

The Commission is approving this request as an exception due to the uniqueness of the situation. The road is narrow, only twenty feet in width, with the rear of the houses fronting the roadway.

It is requested that City Council approve this recommendation.

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: BOND ISSUANCE OF \$3,220,000, 2008-22

Agenda Item #18

Relative to authorizing the issuance of \$3,220,000 Bonds of the City of Niagara Falls, Niagara County, New York, to pay costs of various purposes for said City

BY: Council Chairman Samuel Fruscione

BE IT RESOLVED by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Niagara Falls, Niagara County, New York, as follows:

Section 1. For the purpose of paying costs of the various purposes as further set forth below for the City of Niagara Falls, Niagara County, New York, including incidental costs and expenses in connection therewith, there are hereby authorized to be issued \$3,220,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid objects or purposes is \$3,220,000, which are hereby authorized, and the plan for the financing thereof is by the issuance of the \$3,220,000 bonds of said City authorized to be issued pursuant to this bond resolution, allocated as follows:

- a) The reconstruction and resurfacing of 77th Street, in and for said City, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights-of-way and other improvements, at a maximum estimated cost of \$1,200,000. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$1,200,000 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law;
- b) The purchase of an aerial ladder truck, for said City, including apparatus, at a maximum estimated cost of \$650,000. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$650,000 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law;
- c) The purchase of a pumper truck, for said City, including apparatus, at a maximum estimated cost of \$325,000. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$325,000 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law;
- d) The improvements to the ice pavilion, in and for said City, including reconstruction and equipment therefor, at a maximum estimated cost of \$300,000. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$300,000 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 12(a)(2) of paragraph a of Section 11.00 of the Local Finance Law;
- e) The resurfacing of tennis courts at Hyde Park, in and for said City, including incidental costs and expenses, at a maximum estimated cost of \$150,000. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$150,000 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law;
- f) The purchase of multi-use tandems, including attachments, for said City, at a maximum estimated cost of \$450,000. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$450,000 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that

the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;

- g) The purchase of a payloader, for said City, at a maximum estimated cost of \$145,000. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$145,000 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;

Section 3. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Controller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Controller, consistent with the provisions of the Local Finance Law.

Section 5. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Controller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Controller shall determine consistent with the provisions of the Local Finance Law.

Section 6. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution, which takes effect immediately, shall be published in summary form in the Niagara Gazette, the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

Yeas
Nays

5
0

ADOPTED

RESOLUTION: GLOBAL LOVE DAY, 2008-23

Agenda Item #19

Relative to Global Love Day

BY: All Council Members

WHEREAS, "Global Love Day" was created and launched through the efforts of the Love Foundation, and

WHEREAS, the fifth annual "Global Love Day" will be celebrated on May 1, 2008 with an emphasis upon the theme of, "Love Begins With Me," and

WHEREAS, "Global Love Day" recognizes the elemental part that love plays in the lives and families of everyone around the globe, and

WHEREAS, this special day emphasizes the singularity of humanity across our planet and the positive effect that the expression of love contains for all of mankind in dealing with not only the day-to-day but especially in meeting the very many challenges our world currently faces, and

WHEREAS, the belief that love is key to the future of mankind is a traditional teaching that is rooted in the Judeo-Christian ideals that our nation was so proudly founded upon,

NOW THEREFORE BE IT RESOLVED, by the Niagara Falls City Council, that we recognize and applaud the efforts and good work of the Love Foundation as it strives to make us all aware of the role that love plays in making the world a better place in which to live, work and raise our children; and

BE IT FURTHER RESOLVED that the Niagara Falls City Council asks the Citizens of Niagara Falls, New York to join them, along with Mayor Paul A. Dyster in proclaiming May 1st, 2008 to be "Global Love Day."

Yeas 5
Nays 0

ADOPTED

RESOLUTION: ILLUMINATION BOARD, APPOINTMENTS, 2008-24

Agenda Item #20

Relative to appointments to the Illumination Board for the City of Niagara Falls

BY: All Council Members

BE IT RESOLVED, that the following individuals are hereby appointed to The City of Niagara Falls Illumination Board effective immediately.

APPOINTMENT

Mayor Paul A. Dyster
Mayor of the City of Niagara Falls
745 Main Street/PO Box 69
Niagara Falls, NY 14302
(716) 286-4310
Samuel F. Fruscione
Chairman
Niagara Falls City Council
745 Main Street/PO Box 69
Niagara Falls, NY 14302
(716) 286-4301

Yeas 5
Nays 0

ADOPTED

Agenda Item #21

Relative to honoring Kellick's Printing

BY: All Council Members



Whereas, on Friday, February 29th, 2008, Kellick's Printing announced plans to close their business after decades of service to their satisfied customers from their location at 1605-09 Main Street in Niagara Falls, New York. This family-owned shop has provided business forms, invitations, special event booklets and other materials for more than 90 years; and

Whereas, the Kellick family has been active in the Main Street business district since 1921 when Dick and Jean Kellick's father, William L. Kellick, Sr. became a partner in the printing business started by his late brother-in-law, Grover Converse, in 1915. The elder Kellick renamed the business Kellick's Printing in 1945, shortly after his partner's passing; and

Whereas, Kellick's holds the distinction of being the Niagara region's original manufacturer of rubber stamps. It is also one of the area's first union print shops, a matter of pride for the Kellick family which has affixed the International Allied Printing Trades Council label to countless documents ordered by local organized labor groups throughout the years; and

Whereas, the success of the business is owed, in large part, to the efforts of Dick and Jean Kellick, the brother and sister team, who have worked tirelessly and have showed intense pride in their community and in their business; and

Whereas, Community members credit the Kellicks for doing much to support Main Street, through good times and through bad times. The pair have been ardent supporters of the Main Street Business and Professional Association which raised roughly \$20,000 for the organization last year with their annual golf tournament.

Now, therefore, be it resolved, that the members of the Niagara Falls City Council, along with Mayor Paul A. Dyster, recognize Dick Kellick and Jean-Kellick Kay for their positive and optimistic attitude in life and on the job. We would also like to congratulate them on a successful business that they have had for decades, finishing print jobs on time and to the satisfaction to their customers.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: TRAVIS, JANE, HONORING, 2008-26

Agenda Item #22

Relative to honoring Niagara Falls City Employee Jane Travis
BY: All Council Members



Whereas, on Monday, February 25th, 2008, Mayor Paul Dyster recognized City Employee Jane Travis for saving a person's life using CPR; and

Whereas, the City of Niagara Falls, through the Niagara Falls Fire Department, conducts Cardio-Pulmonary Resuscitation (CPR) classes for the benefit of city employees and the greater Niagara Falls community; and

Whereas, Jane Travis, a City employee working in the Law Department, completed the Fire Department CPR class on January 8, 2008; and

Whereas, on Thursday, February 7, 2008 while inside the Seneca Niagara Casino, Jane witnessed a disturbance in the casino and saw a man lying unconscious on the floor; and

Whereas, Jane responded to the situation in an immediate fashion which included, but was not limited to: moving to the fallen man, assessing his respiratory condition and, suspecting cardiac arrest, administering CPR; and

Whereas, Jane Travis continued to provide CPR to the fallen man until Seneca Niagara Casino medical emergency staff arrived on the scene to take over and stabilize the man's condition.

Now, therefore, be it resolved, that the members of the Niagara Falls City Council also recognize Jane Travis for her quick-thinking and life-saving efforts in administering CPR to a stricken man in the Seneca Niagara Casino. We further recognize the vital role of the Niagara Falls Fire Department and Niagara Falls Fire Chief William McKay in providing CPR training in the greater Niagara Falls Community.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, 2008-27

Agenda Item #23

Relative to appointment to the Tourism Advisory Board
BY: Council Chair Sam Fruscione

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Tourism Advisory Board effective immediately for the expiration date, which appears opposite his name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Bob Drozdowski 2554 Falls Street Niagara Falls, NY 14303 940-4525	12/31/2008

Yeas 5
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 8:10 p.m.

Carol A. Antonucci, City Clerk 50



March 24, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the March 24, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr., Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator William J. Bradberry, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of March 10, 2008.

Yeas	5
Nays	0

APPROVED

A presentation was made by Diane Ward, Executive Director of Safe Haven. This is a local facility offering many different programs to families in turmoil. The closest similar programs are in North Tonawanda and Buffalo.

Mayor Dyster and Council Chair Fruscione presented a Proclamation relative to Local History Month to Peter Ames, President of Friends of the Local History Department. The Mayor encouraged all citizens to attend the open house on April 26, 2008.

Mayor Dyster welcomed City Administrator William Bradberry back following his surgery and wished him well.

In his administrative update Mayor Dyster spoke on the designation of the Century Club site as a City Park and all entailed in receiving funding from the Greenway Commission and the Host Community Standing Committee.

Senior Planner Thomas DeSantis said that they are in the process of seeking proposals and public input on design and uses.

Acting Corporation Counsel Thomas O'Donnell said that the Host Community Standing Committee adopted rules and regulations at its last meeting and he hopes to have that ready for Council approval by the next meeting.

David Kinney, DPW Director, said that the Hot Patch Machine is now repaired and should be on the road next week. DPW is also developing a procedure to better track pot hole complaints and repairs. DPW and Engineering are also working together to create a list of priorities on street repairs, including which can be resurfaced, patched or need extensive grading and paving. Council Member Fournier asked about the use of the millings and unused asphalt. It is now being used on unimproved roads and alley ways.

Council Member Walker asked about the payment to the Hope VI Project. Mayor Dyster said that until we receive clarification on when that payment is due, it is our responsibility to let the funds earn interest for the City.

Council Chairman Fruscione recessed the meeting at 4:50 p.m.

Chairman Fruscione reconvened the Meeting at 7:02 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Anderson and the Chairman led the gathering in the Pledge of Allegiance

to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Vince Quarcini
Ken Sherman
Norma Higgs

Agenda Item #17
Agenda Item #8 & #17
Niagara Beautification
Commission and Clean Sweep
days

The following was RECEIVED AND FILED:
Agenda Item #1
City Clerk's Report for February, 2008.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PSNF, INC., MCDONALDS, BID #4-08, PRISONER MEALS

Agenda Item #2

RE: Approval to accept Bid #4-08 for meals for prisoners from McDonalds
We respectfully request you award the above referenced bid as follows:
TO: PSNF, Inc.
McDonalds - City Market
1726 Pine Avenue
Niagara Falls, NY 14301
FOR: Meals for prisoners at the Public Safety Building:
Breakfast (est. 4,900) \$.89
Lunch (est. 5,800) .98
Supper (est. 1,900): .98

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to 5 (five) vendors. The above referenced company submitted the lowest bid. One other bid was received from Burger King (breakfast \$1.05, Lunch \$2.00 and Supper \$2.00).

Funds for this expenditure are available in A3120.0001.0449.599.

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: FIVE STAR EQUIPMENT, INC., Bid#14-07, WHEEL LOADER

Agenda Item #3

RE: Approval to accept Bid #14-07 for purchase of Wheel Loader from Five Star Equipment, Inc. for \$147,807.00
We respectfully request you award the above referenced bid as follows:
TO: Five Star Equipment, Inc.
284 Ellicott Road
Orchard Park, NY 14127
FOR: One New John Deere Model 624J Wheel Loader: \$163,807.00
Less Trade-in of 1988 Caterpillar Model 936 Wheel Loader - 16,000.00
\$147,807.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to nine (9) vendors. Four (4) bids were received. The above referenced company submitted the only bid that met our specifications.

Funds for this expenditure are available in the 2008 Capital Budget code: H0822.2008.0822.0240.000.

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

LEAVES OF ABSENCE: CONTINUATION OF

Agenda item #4

RE: Approval of continuation of leaves of absences
The employees on the attached(on file in City Clerk's Office) list are requesting continuations of leaves of absence for the period shown.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

POLICE DEPARTMENT GRANT: NYS MOTOR VEHICLE THEFT & INSURANCE FRAUD PREVENTION

Agenda Item #5

RE: Approval to accept Police Department Grant for the NYS Motor Vehicle Theft & Insurance Fraud Prevention

The City has been awarded \$44,798.00 to participate in the above program. No City match is required.

Will the Council accept acceptance of this grant and authorize the Mayor to execute any agreements or other documents necessary to effectuate same?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

ENVIRONMENTAL PROTECTION FUND GRANT: CITY HALL EXTERIOR RESTORATION PROJECT

Agenda Item #6

RE: Approval to accept Environmental Protection Fund Grant for NF City Hall Exterior Restoration Project

The City has been awarded a matching grant of \$274,899.00 from the New York State Environmental Protection Fund for the City Hall exterior restoration project. Funding for the City's required match has been previously designated and is available.

Will the Council approve the acceptance of the grant and authorize the Mayor to execute any agreements or other documents necessary to effectuate the receipt of the grant?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT; ADMINISTRATIVE SERVICES, RETIREE DRUG SUBSIDY

Agenda Item #7

RE: Approval to provide Administrative Services for the Retiree Drug Subsidy

In order to continue receiving funds pursuant to the Medicare Part D prescription drug coverage, the City has previously entered into an agreement with HealthNow to provide administrative services in relation to the drug subsidy for the City's retirees.

Will the Council approve the continuation of this agreement for the period starting January 1, 2008 and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Counsel?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

BOOM DAYS FESTIVAL: FUNDING

Agenda item #8

RE: Approval to fund \$1,000 to the Boom Days Festival from the Tourism Budget

The Tourism Advisory Board has requested that the City provide the \$1,000 sponsorship for the Boom Days Festival, which would provide for fireworks and music at the LaSalle Yacht Club as part of the Festival on April 5, 2008.

Funding will come from the fireworks line in the Tourism budget and the check should be made payable to "Friends of the Cotter c/o The Community Foundation for Greater Buffalo".

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

OUR SCHOOLS CHANNEL: FUNDING

Agenda Item #9

RE: Approval to amend the budget by transferring funds in the amount of \$10,000 to fund purchase of equipment for the Our Schools Channel

The 2008 budget contains appropriations in the Cable TV Commission for the purchase of equipment and purchase of computer equipment in lines A3610.3140.0250.000 in the amount of \$5,000 and A3610.3140.0250.007 which also contains \$5,000.

It was the Council's intention in making these amendments that these funds would be available to allow the Board of Education to purchase equipment for the Our Schools Channel.

Will the Council vote to amend the budget by transferring the \$10,000 referenced above to account A3610.3140.0449.599 with the funds to be used for the purchase of equipment for the Our Schools Channel by the Niagara Falls School District and will be reimbursed on the submission of appropriate invoices by the School District?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

HOME IMPROVEMENT REGISTRATION BOARD: RE-APPOINTMENTS

Agenda Item #10

RE: Approval to re-appoint Joseph Paonessa and John Jackson to the Home Improvement Registration Board

I hereby appoint to the Home Improvement Registration Board as follows:

RE-APPOINTMENT TERM EXPIRES

Joseph Paonessa 12/31/12

1064 - 96th Street

Niagara Falls, NY 14304

John Jackson 12/31/12

3518 Seneca Avenue

Niagara Falls, NY

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

LIBRARY BOARD: APPOINTMENT

Agenda Item #11

RE: Approval to appoint Don King to the Library Board to fill vacancy
I hereby appoint Don King of 672 Chilton Avenue, Niagara Falls, New York
to the Niagara Falls Library Board to fill a vacancy.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed
and the recommendation approved.

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY CORPORATIONN COUNSEL

CLAIM: ROBERTS, KIM

Agenda Item #12

RE: Approval to settle and pay claim of Kim Roberts in the amount of
\$29.66

The above claimant has incurred medical expenses for personal injuries
suffered by her when, while a pedestrian, she was struck by a police vehicle
owned by the City of Niagara Falls, New York. The driver of the police
vehicle was Officer Charles Fink.

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>
Niagara Orthopaedic	February 26, 2008	\$ 29.66
Total		\$ 29.66

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?

Council Member Walker moved that the communication be received and filed and
the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: WEST, GERMAINE

Agenda Item #13

RE: Approval to settle and pay claim of Germaine West in the amount of
\$271.06

Date of Occurrence: January 23, 2008
Location: Highland Avenue Bridge
Nature of Claim: Tire damage caused by bridge expansion joint.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: \$271.06
Make Check Payable to: Germaine West
Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Walker moved that the communication be received and filed
and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: NIAGARA FALLS SENIOR COUNCIL, APPOINTMENTS, 2008-28

Agenda Item #14

Relative to appointments to the Niagara Falls Senior Council

BY: All Council Members

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Senior Council effective immediately for the expiration date, which appears opposite their names:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Carmen Mastro 3643 Chapin Avenue Niagara Falls, NY 14301 - 284-6541	12/31/10
Margaret Manzare 2437 Whitney Avenue Niagara Falls, NY 14301 - 298-0942	12/31/10
Lucy Hamera 3019 Welch Avenue Niagara Falls, NY 14303 - 284-6638	12/31/09
Anne Hesson 3640 Ferry Avenue Niagara Falls, NY 14301 - 285-5142	12/31/09
Myral Gilmore 2053 Virginia Avenue Niagara Falls, NY 14305 - 285-9276	12/31/09
Cecelia Alati 2728 Woodlawn Avenue Niagara Falls, NY 14301 - 297-5032	12/31/09
Josephine Minervino 473 - 18 th Street Niagara Falls, NY 14303 - 285-4234	12/31/10
Angelo D'Aloise 2438 Niagara Avenue Niagara Falls, NY 14305 - 285-5890	12/31/10

Yeas
Nays

5
0

ADOPTED

RESOLUTION: LOCAL HISTORY MONTH, 2008-29

Agenda Item #15

Relative to Local History Month

BY: All Council Members

Whereas, it is through the study and interpretation of history - on all levels be it local, national or world - that we gain the necessary knowledge and insight to understand our past while moving forward into our future, and

Whereas, the study of the history of the City of Niagara Falls is the prime concern of the dedicated members of the Friends of the Local History Department through the Niagara Falls Public Library, and

Whereas, the Friends of the Local History Department are hosting an open house on Saturday April 26th at the Earl Brydges Public Library from 2-4 pm in order to encourage awareness in and spur the participation of our residents in the study of the history of Niagara Falls, and

Whereas, the history of the City of Niagara Falls is a long and proud history ranging in nature from the global wonder of our legendary waterfall to the achievements of historic individuals to the industrial and technical accomplishments as highlighted by our City's incredible reputation as a source of hydroelectric power,

Now therefore be it resolved, that the Niagara Fall City Council, along with Mayor Paul A. Dyster, hereby proclaim April 2008 as Local History Month in Niagara Falls, NY and recognize the efforts of the Friends of the Local History Department in organizing and hosting a local history open house on Saturday April 26th, from 2-4pm at the Early Brydges Library and encourage all Niagara Falls residents to attend this open house in order to celebrate our proud and historic past.

Yeas
Nays

5
0

ADOPTED

RESOLUTION: SCHOOL ELECTION, POLLING PLACES, 2008-30

Agenda Item #16

Relative to the use of polling places for the annual School Election

BY: All Council Members

WHEREAS, the Annual School Election will be held on Tuesday, May 20th, 2008.

Attached(on file in City Clerk's Office) is a communication from the School District of the City of Niagara Falls, New York requesting approval for the use of polling places in the City of Niagara Falls, New York.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: CENTURY CLUB DESIGNATION AS CITY PARK, 2008-31

Agenda Item #17

Relative to designation of the century Club Site as a City Park

BY: Council Chairman Samuel Fruscione

WHEREAS, the City of Niagara Falls now owns the property where the Century Club was located at 6611 Buffalo Avenue; and

WHEREAS, this parcel fronts on the upper Niagara River; and

WHEREAS, the Mayor and this Council have determined that this would be an appropriate site for a City park.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the property located at 6611 Buffalo Avenue be designated as City parkland.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:10 p.m.

Carol A. Antonucci
City Clerk



APRIL 7, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the April 7, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr., Steven Fournier, Charles A. Walker - 4.

Absent: Council Member Chris Robins - 1

Also present: Mayor Paul A. Dyster, City Administrator William J. Bradberry, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of March 24, 2008.

Yeas 4
Nays 0

APPROVED

In his Administrative Update, City Administrator William Bradberry informed the Council Members that funding for the portable stage and bandstand had been approved, and delivery was expected soon.

Chairman Fruscione asked if a Memorandum of Understanding was in place for the 18th Street Sub Station, and the Administrator responded that, while that is being negotiated, the Station is already being staffed by the Police Department.

Chairman Fruscione also asked about the residency issue, and the Administrator said that the process is moving along, and he expects to report to the Council within the next 30 - 60 days.

Council Member Walker asked about the downtown task force, and Mr. Bradberry responded that the Administration was working with Modern on increasing the frequency of collections and places for additional receptacles. NTCC is also working to get the private sector involved.

Chairman Fruscione asked Inspections Director Guy Bax if his department would be participating in the Clean Sweep and issuing citations, and Mr. Bax responded that he was waiting for direction from the Administration.

Chairman Fruscione asked Public Works Director David Kinney for reports from the GPSs in his Department's trucks.

Chairman Fruscione inquired about the status of the Player's Project, and Acting Corporation Counsel Thomas O'Donnell said that he will prepare the necessary item for the next Planning Board meeting.

Council Member Anderson questioned the number of claims for damages caused by potholes and snow plows, and Mr. O'Donnell explained the process.

Council Member Anderson also questioned work habits of DPW employees, and Mr. Kinney replied that he will look into it.

Council Member Anderson asked about the SPCA contract (Agenda Item #7), and City Clerk Carol Antonucci responded that the SPCA is not fulfilling all the terms of their contract.

Chairman Fruscione inquired about Court House invoices, and Mr. O'Donnell and City Controller Maria Brown informed him that with the naming of the Project Manager and the LDC, the Council no longer needs to approve the invoices. Mrs. Brown will forward copies of the invoices to the Council Members.

Council Member Walker questioned the additional funding for the Public Works Department (Agenda Item #8), and Mr. Kinney explained that the additional funding was to keep a crew working on potholes.

The Council Members amended Agenda Item #11, relative to adopting the Host Community Greenway Fund Standing Committee protocols.

Chairman Fruscione reconvened the Meeting at 7:03 p.m. in the Council Chambers with Council Members Anderson, Fournier, Walker present. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Jason Chilcote Agenda Item #10

The following was RECEIVED AND FILED:
 Agenda Item #1
 Claims Report for March, 2008.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

BUDGET MODIFICATION: COMMUNITY DEVELOPMENT, HOME & EMERGENCY SHELTER GRANT PROGRAMS

Agenda Item #2

Approval of Budget modifications to Community Development, HOME and Emergency Shelter grant programs

On October 22, 2007, City Council approved the FY' 2008 Community Development Budget that included the Community Development Block Grant, HOME Investment Partnership Program and the Emergency Shelter Grant Program. The budget that was approved by Council was based on projected revenue to be received from the federal government. The City has recently been notified of the actual grants awarded by the U.S. Department of HUD as listed below:

- the projected CDBG Grant was \$2,600,000; the actual award was \$2,497,886 or a \$102,114 decrease
- the projected HOME Grant was \$600,000; the actual award was \$578,809 or a \$21,191 decrease
- the projected ESG Grant was \$110,000; the actual award was \$112,133 or a \$2,133 increase

We are proposing the following budget modifications to account for the revised federal grants:

FEDERAL GRANT	BUDGET LINE ITEM	APPROVED AMOUNT	PROPOSED AMOUNT
Community Development Block Grant (CDBG)	Demolition	\$485,000	\$400,000
	Clean Neighborhood	\$35,000	\$17,886
HOME Investment Partnership Program (HOME)	CD Owner Occupied Rehabilitation	\$200,000	\$178,809

Emergency Shelter Grant Program (ESG) Carolyn's House \$15,000 \$17,133

Will Council vote to so approve and authorize the Director of Community Development to make the necessary budget adjustments?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 4
 Nays 0
APPROVED

WEED & SEED PROGRAM COORDINATOR

Agenda Item #3

Approval to reimburse the Niagara Falls Housing Authority \$12,785.74 for Weed and Seed Coordinator position

As part of the 2006 Community Development Plan, City Council approved a \$30,000 allocation of CDBG funding to reimburse the Niagara Falls Housing Authority for expenses related to the position of Weed & Seed Coordinator. The Niagara Falls Housing Authority was required to match the \$30,000 provided by the City with Housing Authority funds.

A payment of CDBG funds in the amount of \$17,214.26 was made to NFHA in 2007 based on the amount of matching funds provided directly by NFHA. The balance of funds was re-programmed to fund the Weed & seed Coordinator in 2008.

NFHA has requested that they be reimbursed the additional \$12,785.74 by considering the \$22,000 grant received by the Niagara Falls Police Department from the District Attorney's Office as a substitute source of matching funds.

NFHA's expenses for the Weed & Seed Coordinator for 2006 and 2007 totaled \$34,428.50.

It is our recommendation that \$12,785.74 be paid to the Niagara Falls Housing Authority to finalize reimbursement of the Weed & Seed Coordinator. In order to accommodate this payment a budget transfer in that amount must be made as the original funds were re-programmed for the 2008 budget. CDBG funding is available in budget code CSE099 - City Wide Economic Development.

Will Council vote to so approve and authorize the Director of Community Development to make the necessary budget adjustment and reimburse the Niagara Falls Housing Authority \$12, 785.74?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

FIRE DEPARTMENT: EMPLOYEE SICK BANK

Agenda Item #4

Approval to create a sick bank by Fire department employees

One of the employees in the Fire Department has depleted his sick time and has continuing health concerns. Other employees have requested the opportunity to donate sick time to a sick bank for the benefit of this employee.

Will the Council authorize the establishment of a sick bank and allow employees to donate up to two (2) days of sick time to the bank?

Any time donated that is not used by this employee will remain in the sick bank for future use by other employees.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

ASSESSOR'S: BUDGET AMENDMENT, REALIGNMENT OF STAFF

Agenda Item #5

Approval of budget amendment to realign staff in Assessor's Office
An upcoming retirement and resignation has allowed for the reallocation of job duties and the following changes are proposed in the Assessor's Office expense account A1355.0000.0110.00.

- Assessor Technician position with a 2008 budgeted salary of \$35,468.81 plus benefits would be abolished effective June 27, 2008.
- Assessor's Information Clerk would be created at a budgeted salary at \$29,742.61 plus benefits effective May 5, 2008.
- Junior Account Clerk position with a 2008 budgeted salary of \$25,191.32 plus benefits would be abolished effective April 7, 2008.
- Assessor Data Clerk would be created at a budgeted salary of \$28,213.63 plus benefits effective April 8, 2008.
- Assessor Data Clerk with a 2008 budgeted salary of \$28,623.36 plus benefits would be upgraded effective April 8, 2008 to a Senior Assessor's Data Clerk with a salary of \$31,984.15 plus benefits.

This realignment will result in an added \$656.11 annually. In addition, there may be a benefits adjustment. The incumbent in the Junior Account Clerk position is currently provided single coverage and the new hire may request family coverage and is projected at an additional \$11,005.84 annually according to the Controller. Funding is available in A1355.0000.0130.000.

Will Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas
Nays

4
0

APPROVED

CONTRACT: HEALTH ASSOCIATION OF NIAGARA COUNTY, INC.

AGENDA Item #6

Approval of agreement with Health Association of Niagara County, Inc. to provide recreation services for senior citizens

The City staff recommends that the City renew the agreement with the Health Association of Niagara County, Inc. to provide recreation services for adults sixty years of age and older.

The City's expenses of this program will be in an amount not to exceed \$10,000.00 during the period of April 1, 2008 through March 31, 2009. Funds are included in the 2008 budget.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas
Nays

4
0

APPROVED

CONTRACT: SPCA

Agenda item #7

Approval of SPCA Contract

Enclosed (on file in City Clerk's Office) is the proposed contract with the SPCA for the calendar year 2008.

Funds are included in the 2008 budget.

Will the Council so approve and authorize the Mayor to execute the attached Agreement?

Council Member Walker moved to table the communication.

Yeas
Nays

4
0

TABLED

DEPARTMENT OF PUBLIC WORKS: ADDITIONAL FUNDING

Agenda item #8

Approval to add additional temporary funds from 2006 Fund balance for street construction and Parks crew leader

In order to provide additional manpower for repairing potholes and street repaving, it is requested that the Council appropriate the following sums from the 2006 fund balance:

Street Construction Temporary	\$75,440
Street Construction FICA	5,772
	<u>\$81,212</u>

The funding for the Parks Department is to allow the creation of a second shift, seven days a week to better control garbage and cleanup in the downtown commercial district:

Parks: Temporary Wages	\$ 1,617
FICA	124
	<u>\$ 1,741</u>

Funding will come from the 2006 fund balance.

Will the Council so approve?

Council Member Walker moved to table the communication.

Yeas 4

Nays 0

TABLED

CARNEGIE BUILDING: BUDGET AMENDMENT, RECLASSIFY CLEANER

Agenda Item #9

Approval of budget amendment to reclassify cleaner TO mwi AT THE Carnegie Building

In order to provide better service to the building and grounds at the Carnegie Building, it is requested that the cleaner position be reclassified to a MW1 position. This will allow the employee to perform additional tasks, such as clearing sidewalks and doing landscaping, which are not included in the cleaner job specifications.

The additional cost for the remainder of 2008 is \$958 plus benefits, which will be reimbursed by the Community Development Department.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4

Nays 0

APPROVED

ELIMINATE VIOLENCE AGAINST WOMEN GRANT

Agenda item #10

Approval to accept Police department grant under Eliminate Violence Against Women program

The Police Department has been awarded a \$35,600 grant under the Eliminate Violence Against Women Program.

The City's match of \$11,867 for in-kind services is included in the police budget as wages and fringe benefits.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any agreements or other documents necessary to effectuate this?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4

Nays 0

APPROVED

HOST COMMUNITY GREENWAY FUND STANDING COMMITTEE PROTOCOLS

Agenda Item #11

Approval to adopt the Host Community Fund Standing Committee Protocols Attached (on file in City Clerk's Office) are the proposed Host Community Standing Committee Protocols.

This Committee is comprised of the seven host communities (City of Niagara Falls, Niagara County, Towns of Lewiston and Niagara and the City of Niagara Falls, Lewiston, Porter and Niagara-Wheatfield School Districts) and the New York Power Authority.

These protocols set in place the mechanism for providing funding from the \$3 Million per year designated to the host communities under the host community settlement agreement for the greenway recreation tourism fund.

The Standing Committee has recommended the adoption of these protocols.

Will the Council so approve, with the understanding that the "Amendment of Protocol" section may be modified to include additional language with the approval of the Mayor and Acting Corporation Counsel.

Council Member Walker moved to amend the communication by adding an additional paragraph at the end.

Yeas 4
Nays 0

AMENDED

Council Member Anderson moved that the communication be received and filed and the recommendation approved as amended.

Yeas 4
Nays 0

APPROVED AS AMENDED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

SECOND HAND DEALER LICENSE

Agenda item #12

Approval to issue Second Hand Dealer License to casino Buy & Sell, 2008 Pine Avenue

Chapter 338 of the Codified Ordinances states: "338.03...City Council may grant a license to carry on the business of secondhand dealer within the City..."

The following have submitted applications for secondhand dealer licenses. These applications have all been approved by the N.F. Police Department.

Nora V. Guerrero - Casino Buy & Sell - 2008 Pine Avenue

Will Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

RESOLUTION: HOPE IV PROJECT FUNDS, 2008-32

Agenda item #13

Relative to the Hope VI Project funds

BY: All Council Members

WHEREAS, The Center Court HOPE VI Revitalization Plan is a comprehensive strategy that targets an isolated, severely distressed and obsolete family public housing development for demolition to develop a mixed-income/multi-generational community with family rental and homeownership opportunities. Also included in the project is a high-tech community center and a much-needed mix of affordable housing stock which together will create an enticing development linking isolated resources and serving as a catalyst for the redevelopment of the City's North End and especially the Highland Avenue Neighborhood; and

WHEREAS, with the construction of approximately 282 new energy efficient and affordable housing units, the plan ends the superblock configuration and develops a broad mix of additional housing units to ensure a vibrant neighborhood that features rental and homeownership opportunities and a high tech resource center linking the neighborhood to valuable resources including a city park, a city swimming pool and economic initiatives fostered by the HUD Renewal Community, Community Outreach Partnership Center and the Empire Zone; and

WHEREAS, to accomplish the implementation of this plan, NFHA procured Norstar Development USA, a successful HOPE VI private development firm for the development and construction of the project; and

WHEREAS, the Center Court HOPE VI site is a welcoming entranceway to a residential section of Niagara Falls that is in the early phase of a comprehensive City and State supported plan for revitalization and the creation of viable communities through five district, yet collaborative initiatives: the development of Unity Park II, the Highland Avenue Redevelopment Plan, the Niagara Falls HUD Urban Renewal Community, the New York State Empire Zone and the Weed and Seed initiative; and

WHEREAS, on January 8, 2007, the Niagara Falls City Council unanimously passed a resolution to set up an agreement with the NFHA and to disburse \$3 million in casino funds for the HOPE VI project; and

WHEREAS, by agreement entitled "HOPE VI Grant Agreement" dated February 7, 2007, the City and NFHA agreed that \$3 million of casino funds would be allocated and disbursed to the NFHA for use in the HOPE VI project; and

WHEREAS, the City is working with New York State Urban Development Corporation, D/B/A Empire State Development Corporation ("ESD") to cause ESD to disburse to NFHA \$1 million of casino funds currently held by ESD; and

WHEREAS, the City has received \$2 million of casino funds, of which \$1 million has been disbursed to NFHA and \$1 million is currently held by the City in one or more accounts; and

WHEREAS, the intention of the HOPE VI Grant Agreement is to disburse all \$3 million of casino funds to NFHA as soon as possible to assist NFHA with funding the HOPE VI project.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council request that this Administration take all actions as are necessary or appropriate to disburse to NFHA as soon as possible the \$1 million of casino funds that are currently held in one or more accounts of the City, including presenting an amended funding agreement to the Council and that this Administration continue to take all actions as are necessary or appropriate to cause the ESD to disburse the \$1 million of casino funds that it is holding directly to the NFHA pursuant to the HOPE VI Grant Agreement as contemplated by the HOPE VI Grant Agreement.

Yeas

4

Nays

0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, 2008-33

Agenda item #14

Relative to appointment to the Tourism Advisory Board

BY: Council Chair Sam Fruscione

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Tourism Advisory Board effective immediately for the expiration date, which appears opposite her name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Laurie Davis	12/31/2008
1316 - 24 th Street	
Niagara Falls, NY 14301	
285-9681	

Yeas	4
Nays	0
	ADOPTED

RESOLUTION: SMALL BUSINESS WEEK, 2008-34

Agenda item #15

Relative to Small Business Week, May 11th-17th, 2008

BY: All Council Members

WHEREAS, for more than 40 years, the SBA's Small Business Week has recognized outstanding small business owners for their contributions to the nation's economy and for their personal achievements. The SBA will celebrate Small Business Week from May 11th - 17, 2008; and

WHEREAS, small businesses have driven America's economy, transformed their communities, created jobs and enabled people to realize their entrepreneurial dreams. It is through small businesses that we see innovation thrive and grow to become successful companies; and

WHEREAS, small businesses take risks that others just would not take because they believe in a vision and because they know that they will match every dollar of equity they put into the businesses with an equivalent \$10 of sweat equity; and

WHEREAS, it takes an enormous amount of energy, creativity and determination to succeed as a small business owner today, and Small Business Week 2008 provides us with an opportunity to recognize excellence in entrepreneurship.

NOW THEREFORE BE IT RESOLVED, by the Niagara Falls City Council, that we recognize and applaud the efforts and good works of small businesses as an example of success to be respected and emulated by all of us. During Small Business Week and throughout the year, we must continue to inspire a new generation toward excellence in entrepreneurship; and

BE IT FURTHER RESOLVED that the Niagara Falls City Council asks the citizens of Niagara Falls, New York to join them, along with Mayor Paul A. Dyster in proclaiming May 11th to May 17th as Small Business Week 2008. This week is everyone's opportunity to showcase and recognize all the small businesses in the City of Niagara Falls, New York.

Yeas	4
Nays	0
	ADOPTED

RESOLUTION: AMERICAN BUSINESS WOMEN'S ASSOCIATION, 2008-35

Agenda item #16

Relative to the American Business Women's Association

BY: All Council Members

Whereas, the Spring Conference of the American Business Women's Association of Niagara Falls, New York will be held May 16-17, 2008; and
Whereas, the American Business Women's Association mission is to bring together business women of diverse occupations and to provide opportunities for them to help themselves and others grow personally and professionally through Leadership, Education, Networking support and National recognition; and

Whereas, the "Regional Spring Business Conference" is hosted along with the National Association of ABWA at the Niagara Falls Conference Center. The theme of this conference is "Meet Women of Excellence." This is indeed an opportunity for hundreds of accomplished business professionals to attend "cutting-edge seminars."

Now therefore be it resolved, that the Niagara Fall City Council, along with Mayor Paul A. Dyster, hereby proclaim May 16-17, 2008 as American Business Women's Week in the City of Niagara Falls and offer support for their Regional Spring Business Conference.

Yeas 4
Nays 0

ADOPTED

RESOLUTION: CALLING FOR PUBLIC HEARING, LOCAL LAW AMENDING CITY CHARTER, NF EMPIRE ZONE, 2008-36

Agenda item #17

Relative to calling for a public hearing with respect to Amending the City Charter relative to properties located in the Empire Zone

BY: Council Chair Samuel Fruscione

RESOLVED, that Local Law No. _____ for the year 2008 be introduced, and that a public hearing be held on such Local Law on the 21st day of April, 2008 at 7:00 p.m. Eastern Daylight Time, in the City Council Chambers of the City of Niagara Falls, New York, at City Hall, 745 Main Street, and that at least five (5) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending the properties to be located in the Niagara Falls Empire Zone.

Yeas 4
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:11 p.m.

Carol A. Antonucci
City Clerk



APRIL 21, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the April 21, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of April 7, 2008.

Yeas	5
Nays	0

APPROVED

Ken Sass of Family & Children's Service gave a presentation on and asked for financial support from the City for a new facility on Main Street.

In his Administrative Update, Mayor Paul A. Dyster introduced representatives of LiRo, the City's Project Manager for the new Courthouse, who responded to the Council Members' questions.

Chairman Fruscione asked about the status of the project for Player's, and Acting Corporation Counsel Thomas O'Donnell informed him that the matter would be on the Agenda for the next Planning Board Meeting.

Chairman Fruscione also inquired about the transfer of funds from the City for the Hope VI Project, and Mr. O'Donnell responded that what the Housing Authority is requesting is not in the existing agreement, so the agreement is being re-negotiated. The Mayor also responded.

Mr. O'Donnell distributed copies of two Items to be added to the Agenda:
1. A Resolution relative to National Minority Cancer Health Awareness Week.

Council Member Walker moved to add the Resolution to the Agenda.	
Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #21.

2. A Resolution relative to "Cover the Uninsured Week 2008".
Council Member Robins moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #22.

Council Member Anderson asked for an explanation of Agenda Item #17, a Local Law relative to the Empire Zone, and Clara Dunn, Empire Zone Coordinator, answered. Representatives of Ascension Industries were also present and responded.

Council Member Robins asked about the status of the Lewiston Road Project, and Civil Engineer Robert Buzzelli replied that the Project was on track.

Mr. O'Donnell explained to Council Member Walker that Agenda Item #2, for the Customs House Project, was for information only.

Council Member Anderson asked about Agenda Item #4, relative to the purchase of patrol cars, and Purchasing Agent Dean Spring said that delivery would take about 120 days, and Police Superintendent John Chella said that 3 of the 15 cars were replacements.

Mr. O'Donnell explained the changes on Item #16, relative to temporary funding in the Public Works Department, and the Item was removed from the table and amended.

This Session ended at 4:50 P.M.

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Robins and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Fruscione announced a Special Order of Business, a Public Hearing relative to amending the City Charter in relation to properties located in the Niagara Falls Empire Zone. The following spoke:

Ken Hamilton Against

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Frank Soda	Agenda item #15
Jack Kopczynski	Agenda item #17
Jean Golba	DPW issues
Ken Sass	Family & Children's services project
Zack Casale	Support for Family & Children's Services project
Mary Burton	Property conditions
Kenneth Sherman	Boom Day Event

The following was RECEIVED AND FILED:
Agenda Item #1
City Clerk's Report for March, 2008.

HISTORIC PRESERVATION COMMISSION

CUSTOMS HOUSE/RAILWAY STATION PROJECT

Agenda item #2

Regarding The Customs House / Railway Station Project 2243 Whirlpool Street

WHEREAS, the Custom's House is both a City Historic Landmark and on the National Register of Historic Places and hence is worthy of preservation, and

WHEREAS, the Custom's House was formerly used as a US Customs office and a Post Office, and

WHEREAS, the Custom's House is presently vacant, and

WHEREAS, the Custom's House is presently owned by the City of Niagara Falls, and

WHEREAS, the International Railway Station / Inter-modal Transportation Center Project proposes to restore the Custom's House and utilize the building for office and various public uses, and

WHEREAS, Chapter 1335.04 H) of the Ordinances authorizes the Historic Preservation Commission to make recommendations to City Council concerning the use of City owned historic structures, and

NOW THEREFORE, Be it resolved that the Historic Preservation Commission recommend City Council restore the Customs House as part of the train station project, AND

THEREFORE, Be it resolved that the Historic Preservation Commission recommend that the City Council utilize public funds to undertake the Custom's House/train station project.

RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SNOWFIGHTING EQUIPMENT & CONSULTANTS OF BUFFALO, INC.

Agenda Item #3

RE; Approval of Bid #06-08 for one paint stripping unit from Snowfighting Equipment & Consultants of Buffalo, Inc. at a cost of \$80,650.00

TO: Snowfighting Equipment & Consultants of Buffalo, Inc.

PO Box 126, South Side Station

Buffalo, NY 14220-0126

FOR: One (1) MB Model 260 ACL airless, paint striping unit with driver canopy option: \$80,650.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to six (6) vendors. The above referenced company submitted the only bid.

Funds for this expenditure are available in the 2008 Capital budget code: H0820.2008.0820.0240.000.

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: DELACY FORD, INC, POLICE CARS

Agenda item #4

Re; Approval of Bid #07-08 for 15 patrol cars from Delacy Ford, Inc. for \$419,895.00

TO: Delacy Ford, Inc.
3061 Transit Road
Elma, NY 14059

FOR: Fifteen (15) 2008 model Ford Crown Victoria patrol cars: \$27,993.00 ea. \$419,895.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to seven (7) vendors. Two bids were received. Gambino Ford, Inc. submitted a bid of \$426,163.50 (\$28,410.00 ea.).

Funds for this expenditure are available in the 2006 Capital budget code: H0624.2006.0624.0230.000 (\$83,979.00) and the 2008 Capital budget code: H0816.2008.0816.0230.000 (\$335,916).

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: MODERN LANDFILL, INC., STREET MILLINGS

Agenda item #5

RE: Approval of Bid #08-08 to Modern Landfill, Inc. for sale of street millings at \$6.15 per ton

TO: Modern Landfill, Inc.
4746 Model City Road
PO Box 209
Model City, NY 14107-0209

FOR: Sale of Street Millings (approx. 7,000 tons): \$6.15/ton
located at the Corporation Yard.

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Three (3) bids were received.

The above referenced company submitted the highest price for the street millings. Bids were also received from LaFarge North America (\$4.00/ton) and Armand Cerrone, Inc. (\$3.15/ton).

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

INSPECTIONS: ASSESS UNPAID COSTS TO PROPERTIES

Agenda Item #6

RE: Approval to assess unpaid costs relative to privately owned properties against said properties

In accordance with Chapter 1133, Section 1133.08 of the Niagara Falls Building Code, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall "order an assessment against said premises for several sums herein reported".

We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the Niagara Falls Building Code.

A list of all chargeable costs incurred is attached (on file in City Clerk's Office). A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Inspections.

Will the Council so order?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

EMPLOYEE BENEFITS: EMPIRE ZONE & MINORITY BUSINESS COORDINATOR AND RENEWAL
COMMUNITY COORDINATOR

Agenda item #7

RE: Approval of benefits for two New City positions previously contract employees of N.F.C. development Corp.

On February 11, 2008, the City Council approved the creation of two new City positions: Empire Zone and Minority Business Coordinator, and Renewal Community Coordinator. The salaries for these positions are to be reimbursed from N.F.C. Development Corp. for 2008. Clara Dunn and Thomas Tedesco were hired to fill these positions. Previously, they were performing substantially the same duties as contract employees of N.F.C. Development Corp.

In recognition of their previous years of service, and based on a recommendation from the Human Resources Director, Corporation Counsel, and Assistant Corporation Counsel, I have recently indicated my support of the proposal to allow Ms. Dunn and Mr. Tedesco to enter the City system with the level of benefits they would have had if they had been hired by the City at the time they were hired by N.F.C. Ms. Dunn was hired by N.F.C. on June 5, 1989, so would have the vacation time and other benefits of an employee with 18.75 years of service. Mr. Tedesco was hired by N.F.C. on August 9, 1994, so would have the vacation time and other benefits of an employee with 13.5 years of service. By recognizing this previous service, this will eliminate the requirement that Ms. Dunn and Mr. Tedesco pay 20% of the cost of their medical insurance coverage for their first year of employment. This time would also be credited toward continuation of medical coverage provisions, if in the future, these employees are eligible to retire under the State retirement system, and meet all other age, service and eligibility requirements as required by any applicable agreements and/or ordinances.

Ms. Dunn would enter the system with 88.5 accrued sick days and 13.5 accrued vacation days, and will earn 5 weeks' vacation per year. Mr. Tedesco would enter the system with 125 accrued sick days, 6.5 accrued vacation days, and .5 personal day, and will earn 4 weeks' vacation per year. These totals represent time earned through 2/11/08.

The positions are funded by the NFC Development Corporation for 2008. Funding for the positions for 2009 will be part of budget deliberations and, if necessary, further action by NFC.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: NFTA, TROLLEY SERVICE

Agenda Item #8

RE: Approval of agreement with NFTA to provide Trolley Service for the 2008 season for \$190,715.00

Attached (on file in City Clerk's Office) is a proposed agreement between the NFTA and the City to provide the tourist trolley service for the 2008 season. Weekend service will be provided from May 16th to June 22nd and from September 5th to October 13th, and daily service between June 23rd and September 1st. The cost for the operation will be \$190,715 and the funds are available in the dedicated portion of the Occupancy Tax.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY CORPORATION COUNSEL

AWNING ENCROACHMENT: 1822-1824 MAIN STREET

Agenda item #9

RE: Approval for owner of 1822-1824 Main Street to install two awnings that would encroach into City right-of-way

The City has received a request from the owner of the property at 1822-1824 Main Street to install two awnings over existing stairways on the Lincoln Place side of the building. These awnings would encroach into the City right-of-way.

This has been reviewed by the appropriate City departments and the Planning Board, which recommend approval subject to the compliance with plans submitted to the Inspections Department and the agreement of the property owner to defend and indemnify the City from any and all liability arising from the granting of this permit and the owner adding the City of Niagara Falls as an additional insured on its commercial liability policy.

The encroachment is subject to revocation by the City on 90 days' written notice.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: ROBERTS, KIM

Agenda Item #10

RE: Approval to pay claim of Kim Roberts in the amount of \$29.66

Kim Roberts vs. City of Niagara Falls

Date of Accident: June 11, 2007

The above claimant has incurred medical expenses for personal injuries suffered by her when, while a pedestrian, she was struck by a police vehicle owned by the City of Niagara Falls, New York. The driver of the police vehicle was Officer Charles Fink.

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:

Provider	Date of Service	Amount
Niagara Orthopaedic	April 4, 2008	\$ 29.66
Total		\$ 29.66

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?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: SKYE, JENNIFER L.

Agenda Item #11

RE: Approval to settle and pay claim of Jennifer L. Skye in the amount of \$30,000.00

Date Claim Filed: February 13, 2007
Date Action Commenced: January 30, 2008
Date of Occurrence: December 18, 2006
Location: 24th Street and Willow Avenue
Nature of Claim: Personal injuries sustained in an accident with City vehicle
City Driver: Patrick Ciccarelli
Status of Action: Action stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: \$30,000
Make Check Payable to: Cellino & Barnes, as attorneys for Jennifer L. Skye
Conditions: Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: LICATA, SAMUEL J.

Agenda Item #12

RE: Approval to settle and pay claim of Samuel J. Licata in the amount of \$787.32

Date Claim Filed: March 3, 2008
Date Action Commenced: N/A
Date of Occurrence: February 28, 2008
Location: 2900 block of Jerauld Avenue
Nature of Claim: Automobile damage sustained in an accident with City vehicle.
City Driver: John A. Rosino, II
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: \$787.32
Make Check Payable to: Samuel J. Licata
Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: STATE OF NEW YORK, PETROLEUM DISCHARGE

Agenda Item #13

RE: Approval to pay claim of State of New York in the amount of \$3,338.58

The City has received a claim for payment from the State of New York in the amount of \$3,338.58 representing the cost of its contractors in responding to the leak of diesel fuel at the 72nd Street Firehall in 1999.

Pursuant to State Law, the City as the entity responsible for the discharge is liable and, therefore, it is recommended that you approve payment in the above amount to the Comptroller, State of New York.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CLAIM: ERIE INSURANCE COMPANY

Agenda Item #14

RE: Approval to settle and pay claim of Erie Insurance Company in the amount of \$25,042.00

Date of Occurrence:

December 11, 2004

Location:

Niagara Street at intersection with Seventh Street

Nature of Claim:

Subrogated damages claim sustained in an accident with City vehicle

City Driver:

Sean M. Dunn

Status of Action:

Litigation

Recommendation/Reason:

Best interests of City to pay.

Amount to be Paid:

\$25,042.00

Make Check Payable to:

Rupp, Baase, Pfalzgraf, Cunningham & Coppola LLC, as attorneys

Conditions:

Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

ASSESSMENT REDUCTION, POINT-COMFORT INN

Agenda Item #15

RE: Approval of property assessment reduction of [oint-Comfort Inn to \$3,162,000.00

The Point-Comfort Inn vs. Board of Assessment Review, et al. Index No. 130327

The above referenced tax certiorari was filed by the property owner challenging the \$3,700,000 assessment as set by the Board of Assessment Review for the 2007 assessment roll. The property owner is seeking an assessed value \$2,490,000 and after considerable negotiation involving the Court, a proposed settlement has been reached.

The settlement will reduce the assessment to \$3,162,000.

It is the recommendation of the City Assessor and this office that this settlement be approved.

Will the Council so approve?

Council Member Robins moved that the communication be tabled.

Yeas

5

Nays

0

77

TABLED

ADDITIONAL COMMUNICATIONS FOR COUNCIL ACTION

DEPARTMENT OF PUBLIC WORKS: ADDITIONAL TEMPORARY FUNDS

Agenda Item #16

RE: Approval for additional temporary funding for street construction and Parks Crew leader

In order to provide additional manpower for repairing potholes and street repaving, it is requested that the Council appropriate the following sums from the 2006 fund balance:

Street Construction Temporary	\$72,000
Street Construction FICA	<u>5,508</u>
	\$77,508

The funding for the Parks Department is to allow the creation of a second shift, seven days a week to better control garbage and cleanup in the downtown commercial district:

Parks: Temporary Wages	\$ 1,617
FICA	<u>124</u>
	\$ 1,741

Funding will come from the 2006 fund balance.

Will the Council so approve?

Council Member Walker moved to remove communication from the table

Yeas	5
Nays	0

REMOVED FROM TABLE

Council Member Robins moved to amend the communication by changing the figures for street construction

Yeas	5
Nays	0

APPROVED

Council Member Walker moved that the communication be received and filed and the recommendation approved as amended.

Yeas	5
Nays	0

APPROVED

LOCAL LAW: EMPIRE ZONE PROPERTIES, 2008-

Agenda item #17

Approval of Local law to amend City charter in relation to properties to be located in the Empire Zone

A LOCAL LAW TO AMEND THE NIAGARA FALLS CITY CHARTER AS AMENDED, IN RELATION TO PROPERTIES TO BE LOCATED IN THE EMPIRE ZONE

WHEREAS, by Local Law the City of Niagara Falls authorized the submission of an application for designation of the Empire Zone, pursuant to Section 961 of the General Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board on June 30, 1988; and

WHEREAS, Ascension Industries, Inc. is a growing contract metal working manufacturer employing skilled tradesmen in the welding, fabrication, machining and assembly areas, and is expanding its manufacturing facility in the City of North Tonawanda, New York, and anticipates creating at least 50 net new full-time jobs over five years; and

WHEREAS, the New York State Department of Economic Development and Zone Administrative Board of the City of Niagara Falls have determined that the proposed expansion of Ascension Industries, Inc. is eligible for Empire Zone designation as a Regionally Significant Project under Section 957(d)(i) of the General Municipal Law;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The City Council of the City of Niagara Falls approves the allocation of zone lands for the proposed expansion of Ascension Industries, Inc. as a Regionally Significant Project as determined by the Niagara Falls Empire Zone Administrative Board and the New York State Department of Economic Development.

Section 2. The boundaries of said areas to be included in said Empire Zone shall be as set forth in Schedule A, which is attached hereto and made a part hereof.

Section 3. This Local Law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Schedule A

Tax Map Parcel Nos.:

- 176.20-1-58.11 (1254 Erie Avenue, approximately 20.38 acres);
 - 176.20-1-59.1 (795 Wurlitzer Drive, approximately 6.93 acres);
 - 176.20-1-58.2 (915 Wurlitzer Drive, approximately 2.99 acres); and
 - 185.31.-2-49 (390 Sweeney Street, approximately 0.91 acres);
- located in the City of North Tonawanda, County of Niagara, State of New York.

Council Member Walker moved that the Local Law be tabled.

Yeas	5
Nays	0

TABLED

RESOLUTION: NATIONAL FAIR HOUSING LAW, 2008-37

Agenda item #18

Relative to the National Fair Housing Law

BY: All Council members

WHEREAS, April 2008 marks the 40th Anniversary of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968, and

WHEREAS, the National Fair Housing Law addresses the prohibition of discrimination in the sale, rental and financing of dwellings, as well as discrimination in other housing-related transactions which are based on race, color, national origin, religion, sex or familial status, and

WHEREAS, it is of utmost importance that every effort be made to educate our citizens as to their rights and responsibilities with regard to fair housing, and

WHEREAS, the City of Niagara Falls, NY works to educate its residents cooperatively with local fair housing agencies such as: the Center City Neighborhood Development Corporation; the Highland Community Revitalization Committee, Inc.; the Niagara Falls Neighborhood Housing Services and the Niagara Falls Office of Community Development.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council, along with Mayor Paul A. Dyster hereby proclaims and celebrates the 40th Anniversary of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968, and encourages our residents to recognize the importance of equal housing opportunity for everyone both here in our City and in our nation.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: EARTH DAY, 2008-38

Agenda item #19

Relative to earth day

BY: All Council members

Whereas, April 22, 2008, has been designated as Earth Day throughout the United States; and

Whereas, Earth Day provides an opportunity for all citizens to consider the impact of their activities on the environment and to explore more responsible alternatives, particularly with regard to methods of transportation; and

Whereas, prudent efforts at conservation will have a positive impact on the emission of pollutants and other gases that contribute to the problem of global warming; and

Whereas, numerous organizations have agreed to promote a conservation initiative for Earth Day 2008, whereby commuters are encouraged to carpool, bike, walk, or take mass transit on a large scale; and

Whereas, global warming threatens to impair the quality of life in America and in the City of Niagara Falls.

Now, therefore, be it resolved that the City of Niagara Falls does hereby declare its support of and solidarity with the 2008 Western New York Earth Day Initiative, which seeks to encourage alternative approaches to transportation (see www.goodgoingwny.com); and

Be it further resolved that the City of Niagara Falls shall register its participation in the 2008 Western New York Earth Day Initiative, and thereby join the University at Buffalo, Canisius College, Daemen College, the City of Buffalo, the Town of Orchard Park, and more than 130 other participants in this program; and

Be it further resolved, that the City of Niagara Falls does hereby encourage all City employees to use alternative methods of transportation, including but not limited to walking, bicycling, mass transportation, and carpooling; and

Be it further resolved, that all residents of the City of Niagara Falls are hereby urged, on a voluntary basis, to employ alternative transportation methods whenever possible, starting on Earth Day and continuing thereafter throughout the year.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: STATE ENVIRONMENTAL QUALITY REVIEW ACT, ASCENSION INDUSTRIES,
2008-

Agenda item #20

Relative to determination of significance Pursuant to the State Environmental Quality Review Act (SEQRA) for Ascension Industries, Inc.

This action is taken pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law of the State of New York, with regard to the following Project.

WHEREAS, by Local Law the City of Niagara Falls (the "City") authorized the submission of an application for designation of the Empire Zone, pursuant to Section 961 of the General Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board on June 30, 1988; and

WHEREAS, Ascension Industries, Inc. (the "Company") is a growing contract metal working manufacturer employing skilled tradesmen in the welding, fabrication, machining and assembly areas, is expanding its manufacturing operations in the City of North Tonawanda, New York, anticipates creating at least 50 net new full-time jobs over the next five years, and has requested the City of Niagara Falls to amend the Empire Zone local law to include the Company as a Regionally Significant Project under Section 957(d)(i) of the General Municipal Law (the "Project"); and

WHEREAS, the New York State Department of Economic Development and Zone Administrative Board of the City of Niagara Falls have determined that the Project is eligible for Empire Zone designation as a Regionally Significant Project under Section 957(d)(i) of the General Municipal Law; and

WHEREAS, as part of its application for designation of the Project as a Regionally Significant Project under Section 957(d)(i) of the General Municipal Law, the Company has completed and submitted Part I of an Environmental Assessment Form (EAF) in compliance with Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA") with respect to the Project; a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the City has carefully reviewed the EAF and Company correspondence; and

WHEREAS, the City has completed Part II of the EAF.

NOW THEREFORE BE IT RESOLVED THAT:

Section 1 The Project involves an "unlisted action" (as said quoted term is defined under SEQRA). The review is "uncoordinated" (as said quoted term is defined under SEQRA).

Section 2. Based upon a careful and thorough review by the City of the EAF delivered by the Company to the City and other representations made by the Company to the City in connection with the Project, the City has thoroughly analyzed the potential relevant areas of environmental concern and finds that the Project will not result in a potential significant adverse impact on the environment for the following reasons:

a. Land. The Project will not result in an adverse impact to land. The Company is simply conducting manufacturing operations within existing buildings.

b. Water. No water body of any type will be affected by the Project

c. Air. The Project will not adversely impact the quality of air.

d. Plants and Wildlife. The Project will not adversely impact plants and wildlife because no plants or wildlife are present at the Project site.

e. Noise and Odor. The Project will not result in a significance adverse impact to existing levels of noise and odor because no affects on existing levels of noise or odor will result form the Project.

f. Energy. The Project will not result in a significant adverse change in use of either the quantity or quality of energy.

g. Critical Environmental Area. The Project will not result in the impairment of a Critical Environmental Area ("CEA") as defined under the SEQRA regulations because the Project site is not located within a CEA nor will it affect any CEA.

- h. Public Health. The Project will not create a hazard to human health.
- i. Solid Waste and Wastewater. The Project will no solid waste or wastewater generation.
- j. Open Space and Recreational Resources. The Project will not result in a significant adverse impact on existing open spaces and recreational resources.
- k. Aesthetic and Historical Resources. The Project will have no affect on any aesthetic or historic cultural resources.
- l. Traffic and Parking. The Project will not have a potential significant adverse impact to traffic and transportation and existing parking conditions.
- m. Attracting a large group of people to the property. The Project will not attract a large group of people to the properties as it only entails creating 50 new jobs.

Section 3. Based on the foregoing, the City finds that the Project will not have a potential significant adverse impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and, in particular, pursuant to the criteria found at 6 N.Y.C.R.R. § 617.7(b) of the SEQRA regulations. The City thus issues a Negative Declaration pursuant to SEQRA.

Section 4. The findings and conclusions relating to the determination of significance contained within the Notice of Negative Declaration are hereby adopted and incorporated by reference into this Resolution.

Section 5. This Resolution shall take effect immediately upon adoption. Council Member Robins moved to table the Resolution.

Yeas	5
Nays	0
	TABLED

RESOLUTION: NATIONAL MINORITY CANCER HEALTH AWARENESS WEEK, 2008-39

Agenda Item #21

Relative to National Minority Cancer Health Awareness Week

BY: All Council Members

Whereas, April 20 through 26, 2008 is recognized as "National Minority Cancer Health Awareness Week," and

Whereas, while cancer deaths have declined for both Whites and African Americans living in the United States, African Americans continue to suffer the greatest burden for each of the most common types of cancer, and

Whereas, American White women have the highest incidence rate for breast cancer, although African American women are most likely to die from the disease, and

Whereas, African American men have the highest incidence rate for prostate cancer in the United States and are more than twice as likely as White men to die of the disease, and

Whereas, the National Cancer Institute is developing a variety of initiatives and programs to address the health disparities in considering the state of cancer in our national minority community.

Now therefore, be it resolved, by the Niagara Falls City Council and Mayor Paul A. Dyster, that we hereby proclaim the week of April 20-26, 2008 to be "National Minority Cancer Awareness Week" in the City of Niagara Falls, and recognize the Roswell Park Cancer Institute, a renowned international cancer treatment and research facility, as it works to defeat cancer in all forms and in all segments of our society.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: COVER THE UNINSURED WEEK 2008, 2008-40

Agenda Item #22

Relative to "Cover the Uninsured Week 2008"

BY: All Council Members

WHEREAS, 47 million American - including 9 million children - do not have health coverage; and

WHEREAS, an estimated 22,400 of those uninsured, including nearly 4,000 children, reside in Niagara County; and

WHEREAS, uninsured children are much less likely to receive immunizations, dental and vision services and medical care for conditions such as sore throats, ear infections and asthma; and

WHEREAS, children with health care coverage are better prepared to learn in school and better prepared to succeed in life. Health Insurance can dramatically improve health outcomes for children and can make a critical difference in their lives; and

WHEREAS, more than eight out of 10 people who are uninsured are in working families; and

WHEREAS, not having health insurance means minor illnesses can become major ones because care is delayed; and

WHEREAS, lack of coverage can allow one serious ailment or accident to wipe out a family's bank account. Every year, more Americans join the ranks of the uninsured - faced with the reality that uninsured people live sicker and die younger than those who are covered; and

WHEREAS, the members of the Niagara Falls City Council, along with Mayor Paul A. Dyster, call upon our nation's leaders to find bipartisan solutions for America and we hereby declare April 27th to May 3rd, 2008 to be "Cover the Uninsured Week in the City of Niagara Falls."

NOT THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, along with Mayor Paul A. Dyster, support the efforts of the NYS Department of Health, the Niagara County Department of Social Services and Niagara Falls Memorial Medical Center to enroll the area's uninsured through the Health Insurance Outreach and Enrollment initiative that will be launched May 2nd, in conjunction with concerned community, health care, government and religious leaders from across Niagara County.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to US Senators Charles Schumer and Hillary Clinton, Congresswoman Louise Slaughter, NYS Assemblywoman Francine DelMonte and NYS Senator Antoine Thompson.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:50 p.m.

Carol A. Antonucci
City Clerk



MAY 5, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the May 5, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator William J. Bradberry, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of April 21, 2008.

Yeas	5
Nays	0

APPROVED

Paul Fedorsak, Director of Wyoming County HOG and Carl Calabrese, former Erie County Deputy Director gave a presentation requesting City sponsorship and funding for the HOG Motorcycle Rally to be held here in July, 2008. They indicated a significant economic benefit to the City would come from this rally.

Bob Murray from Ascension Industries, Inc. explained the Empire Zone approval needed and the benefits to Niagara Falls.

Fred Mitchell from Photo Violations spoke regarding the new parking meters. All meters are now operational and he requested a meeting with City officials to discuss finalizing an agreement.

In his Administrative Update, Mayor Paul A. Dyster thanked Council Member Anderson for all his efforts to work out issues with the SPCA and recommended approval of the contract. Mayor Dyster said that an amendment should be on the next agenda relating to fee increases and SPCA increased enforcement.

Mayor Dyster said that the amendments to the HOPE VI contract are nearly complete and should be on the next agenda.

Mayor Dyster has received two offers for the location of the temporary visitor's center and will continue to work with Mr. Percy on a suitable location that will be agreeable to both the City and NTCC.

Council Member Anderson asked Mayor Dyster for information on the funding of the new City Administrator's salary. The additional amount over \$75,000 would come from the "Build a Better Niagara Fund" which is privately funded. The money is guaranteed for the balance of this 4 year term. Council Member Robins asked if the Council could be more closely involved as ultimately they have the final approval.

Mayor Dyster thanked City Administrator William Bradberry for all his hard work on behalf of the City and for agreeing to stay on until the new Administrator steps in. The Mayor also expressed his hope that Mr. Bradberry will continue to be involved with the City in some capacity.

Council Member Robins asked if the fencing of the baseball fields would be completed for this year's season. DPW Director David Kinney replied that they are ready to go once the contract is approved.

Council Members amended Items #8 and #21.

Acting Corporation Counsel Thomas O'Donnell presented 3 items to be added to the agenda and removed from the table.

1. A Contract with the SPCA

Council Member Robins moved to add the item to the agenda.

Yeas	5
Nays	0

MOTION TO ADD TO AGENDA APPROVED

The contract was added as Agenda item #23

Council member Robins moved to remove item from the table.

Yeas	5
Nays	0

MOTION TO REMOVE FROM THE TABLE APPROVED

2. Resolution relative to the State Environmental Quality

Review Act

Council Member Walker moved to add Resolution to the agenda

Yeas	5
Nays	0

MOTION TO ADD TO AGENDA APPROVED

The resolution was added as Agenda item #24

Council Member Walker moved that the Resolution be removed from the table

Yeas	5
Nays	0

MOTION TO REMOVE FROM THE TABLE APPROVED

3. A Local Law to amend City Charter

Council Member Robins moved to add Local Law to agenda

Yeas	5
Nays	0

MOTION TO ADD TO AGENDA APPROVED

The Local Law was added as Agenda item #25

Council Member Walker to have item removed from the table

Yeas	5
Nays	0

MOTION TO REMOVE FROM TABLE APPROVED

This session ended at 5:05 P.M.

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Ron Anderluh	Agenda Items #6 & #20
Ken Hamilton	Agenda Items #8, #18, #24 & #25
Mary Borgognoni	Agenda Item #9
Candace Corsaro	Agenda Item #9
Ron Anderluh	need to enforce maximum penalties and controls as to copper thefts
Rick Smith	Water Board accountability and reports from Council Representative
Jerry Genova	City cleanliness & maximum fines if not accountable: additional funding for local tourism
Ken Hamilton	park and youth facilities: scrap dealers

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: VARIOUS VENDERS, RENTAL OF EQUIPMENT

Agenda Item #1

RE: Approval of Bid #11-08 for rental of equipment from various vendors
We respectfully request you award the above referenced bid as follows:

TO: North American Industrial Services.

4870 Packard Road
Niagara Falls, NY 14304

FOR: Item #'s 12, 13, and 50 per the attached(on file in City Clerk's office) tally sheet.

TO: Admar Supply Co., Inc.
1394 Main Street
Buffalo, NY 14217

FOR: Item #45 per the attached(on file in City Clerk's office) tally sheet.

TO: Monroe Tractor
5035 Genesee Street
Buffalo, NY 14225

FOR: Item #'s 26, 27, 41a, 43, 44, and 47 per the attached(on file in City Clerk's office) tally sheet.

TO: National Vacuum Corp.
408-47th Street
Niagara Falls, NY 14304

FOR: Item #51 per the attached(on file in City Clerk's office) tally sheet.

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Ten (10) vendors. Four (4) bids were received. Funds for this expenditure are available in the various department equipment rental codes: .0442.003 and .0442.599.

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA GRASS CUTTING, VACANT LOTS

Agenda item #2

RE: Approval of Bid #12-08 for clearing of vacant lots with Niagara Grass Cutting

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

TO: Niagara Grass Cutting
2637 Niagara Falls Boulevard
Niagara Falls, NY 14304

FOR: Furnishing of proper equipment and experienced manpower to clear, cut and/or mow all vegetation (weeds, brush, etc.) on privately and City-owned lots in the City of Niagara Falls.

- 1. up to 35' frontage \$ 15.00/lot
- 2. 36' to 50' frontage 15.00/lot
- 3. 51' to 100' frontage 10.00/lot
- 4. 101' to 1 acre 10.00/lot
- 5. over 1 acre 35.00/lot
- 6. margins and improved property 15.00/man hour

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Four (4) vendors. The above referenced company submitted the only bid.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

HEALTH INSURANCE OPT-OUT ARBITRATION AWARD

Agenda Item #3

RE: Approval to appropriate \$46,000 from fund balance for health Insurance Opt-out Arbitration Award

At your September 12, 2007 meeting, you approved an appropriation of fund balance to pay for one employee awarded opt-out payments under the City's health insurance plan following an arbitration between the City and its unions.

Since that time, the arbitrator has revised his opinion to include three other similarly situated employees. In order to fund the retroactive payments and the continuing payments for the balance of this year, an appropriation of \$46,100 from fund balance is necessary.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: FOX FENCE, INC., FENCING FOR BASEBALL FIELDS

Agenda Item #4

RE: Approval of contract with Fox Fence, Inc. for \$65,400.00 for fence replacement at various City ballfields

The following was the result of bids received on April 23, 2008, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Fox Fence, Inc. 2637 Lockport Road Niagara Falls, NY 14305	\$ 65,400.00
New York State Fence, Inc.	\$ 75,480.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Fox Fence Inc., at their Base Bid of \$65,400.00. Funding is available in Code A.7110.3460.0443.000.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

NIAGARA INTERNATIONAL TRANSPORTATION TECHNOLOGY COALITION

Agenda Item #5

RE: Approval to execute Memorandum of Understanding with Niagara International Transportation Technology Coalition

The City has been a participant in the Niagara International Transportation Technology Coalition, which is made up of municipalities and transportation entities on both the U.S. and Canadian side of the Niagara River, and was formed to enhance transportation flow and traffic management for traffic on both sides of the international border.

The City makes no financial contribution to the Coalition.

The Coalition has drafted a Memorandum of Understanding amongst all of the member entities to govern its structure and organization.

Will the Council approve the continued participation of the City in the Coalition and authorize the Mayor to execute the Memorandum of Understanding?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

BUDGET AMENDMENT: TOURISM

Agenda item #6

RE: Approval of Budget Amendment for Tourism events of \$1,000 each to Main Street Business Association, Pine Avenue Business Association and Niagara Street Business Association

It is requested that the following sums be allocated from the Tourism Fund for the events listed:

1. \$1,000 to Main Street Business Association for "Positively Main Street" Festival Entertainment on July 5, 2008
2. \$1,000 to Pine Avenue Business Association for concert series and Italian Festival Entertainment during July and August, 2008.
3. \$1,000 to Niagara Street Business Association concert series and International Festival Entertainment during August, 2008.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

BUDGET AMENDMENT: MAYOR'S OFFICE RENOVATIONS

Agenda Item #7

RE: Approval of Budget Amendment of \$15,000 for renovations to the Mayor's Office

It has been a number of years since the Mayor's Offices have been updated and furniture purchased for the offices.

Renovations and upgrades for the office, the conference room and the secretary's office, including carpet, would cost \$15,000.

Will the Council vote to appropriate \$15,000 from Fund Balance to pay for the renovations and furniture?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CITY ADMINISTRATOR: SALARY

Agenda Item #8

RE: Approval to establish \$110,000 as salary for the new City Administrator and Budget Appropriation of \$15,000 from Contingency fund to cover that salary

As the Council is aware, the Community Foundation for Greater Buffalo's Build a Better Niagara Fund has agreed to fund the nationwide search for candidates for certain City positions, including the City Administrator, and to also subsidize any increased salary that is required to attract the preferred candidate.

The 2008 proposed budget contained a proposed salary of \$75,000 for City Administrator, which was reduced by Council amendment to \$60,000 with the \$15,000 being put into a contingency account.

The salary that was negotiated with the successful candidate is \$110,000 annually.

Will the Council vote to establish the salary for the City Administrator at \$110,000 annually, commencing with the start of employment of the new City Administrator on or about July 1, 2008 and will the Council vote to appropriate \$18,000 from the contingency fund to help fund the increased salary? The difference will be provided by the Build a Better Niagara Fund.

Council Member Walker moved to amend the communication by correcting the amount to \$15,000.

Yeas 5
Nays 0

AMENDED

Council Member Robins moved that the communication be received and filed and the recommendation approved as amended.

Yeas 5
Nays 0

APPROVED

CONTRACT: NIAGARA UNIVERSITY & NORTHEND BLOCK CLUB, PLAYGROUND

Agenda Item #9

RE: Approval of agreement with Niagara University and the Northend Block Club for restoration of Northend Playground

Attached(on file in City Clerk's office) hereto is a proposed agreement amongst the City, Niagara University and the Northend Block Club to improve the northend playground.

This agreement is necessary as \$100,000 of private funds has been donated to the University to help pay for the installation of the playground and other improvements to the park.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: HUNTER BUFFALO PETERBILT, HOOKLIFT SYSTEM & PLOW EQUIPMENT

Agenda Item #10

RE: Approval of Bid #09-08 with Hunter Buffalo Peterbilt for two chassis with hooklift system and plow equipment

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

TO: Hunter Buffalo Peterbilt
2370 Walden Avenue
Buffalo, NY 14225

FOR: Two (2) Peterbilt Model 340 chassis with
Palift hooklift system and Wausau plow equipment:
\$156,888.00 ea. \$313,776.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Ten (10) vendors. Three (3) bids were received.

The above referenced dealer submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the 2008 Capital budget code: H0822.2008.0822.0230.000.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: PATCH MANAGEMENT, INC., POTHOLE KILLER TRUCKS

Agenda item #11

RE: Approval of agreement with Patch Management, Inc. for one month rental of three Pothole Killer Trucks for \$110,000.00

We respectfully request you authorize the Mayor to enter into an agreement for the following services:

WITH: Patch Management, Inc.
8841 Old Route 13
Morrisville, PA 19067

FOR: One (1) month rental of three (3) PK2000
Pothole Killer trucks with operators as per
the attached(on file in City Clerk's office) proposal: \$110,000.00

Funds for this expenditure are available from 2006 Casino revenue.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: JAROSZEWSKI, PAUL & ANNETTE

Agenda Item #12

RE: Approval to settle and pay claim of Paul and Annette Jaroszewski in the amount of \$339.00

Date Claim Filed: February 13, 2008
Date Action Commenced: N/A
Date of Occurrence: January 9, 2008
Location: 4111 McKoon Avenue
Nature of Claim: Property damage caused by City tree.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: \$339.00
Make Check Payable to: Paul Jaroszewski and Annette Jaroszewski
Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: CARTER, HUSTON

Agenda Item #13

RE: Approval to settle and pay claim of Huston Carter in the amount of \$1,328.18

Date Claim Filed: March 11, 2008
Date Action Commenced: N/A
Date of Occurrence: March 9, 2008
Location: 1735 North Avenue, Niagara Falls, NY
Nature of Claim: Automobile damage sustained in an accident with City vehicle.
City Driver: Gerald G. Strassburg
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: \$1,328.18
Make Check Payable to: "Huston Carter"
Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: HARRIGAN, DANIEL F.

Agenda item #14

RE: Approval to settle and pay claim of Daniel F. Harrigan in the amount of \$1,265.00

Date Claim Filed: February 4, 2008
Date Action Commenced: N/A
Date of Occurrence: February 1, 2008
Location: 2467 North Avenue, Niagara Falls, NY
Nature of Claim: Automobile damage sustained in an accident with City vehicle.
City Driver: Steven Gemuend
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: \$1,265.00
Make Check Payable to: "Daniel F. Harrigan"
Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: NADER, LAILA

Agenda Item #15

RE: Approval to settle and pay claim of Laila Nader in the amount of \$2,854.63

Date Claim Filed: March 18, 2008
Date Action Commenced: N/A
Date of Occurrence: March 7, 2008
Location: 7811 Niagara Falls Blvd., Niagara Falls, NY
Nature of Claim: Property damage caused by City plowing.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: \$2,854.63
Make Check Payable to: "Laila Nader"
Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: FEDERAL WATERFRONT BROWNFIELDS REVITALIZATION ACT, 2008-41

Agenda Item #16

Relative to the Federal Waterfront Brownfields Revitalization Act

BY: All Council Members

WHEREAS, Representative Louise M. Slaughter introduced H.R. 5469, the Waterfront Brownfields Revitalization Act to the United States House of Representatives on February 14, 2008; and

WHEREAS, the proposed Waterfront Brownfields Revitalization Act will help local committees across the nation reconnect with their waterfronts after decades of environmental contamination stemming from the nation's industrial heritage. Waterfront brownfield sites create barriers that threaten to derail community efforts to revitalize their downtowns and attract tourist to the waterfront areas; and

WHEREAS, under the Waterfront Brownfields Revitalization Act, the United States Environmental Protection Agency (USEPA) would be authorized to establish a waterfront brownfields pilot demonstration program to provide local communities with grants up to \$500,000 per grantee for cleanup of waterfront brownfield sites. It also establishes an interagency taskforce on waterfront brownfields restoration which will include representation from several federal agencies, state and local governments, community-based organizations, and stakeholder organizations involved in waterfront organization.

NOW THEREFORE BE IT RESOLVED; that the Niagara Falls City Council, along with Mayor Paul A. Dyster, fully supports the Waterfront Brownfields Revitalization Act; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Congresswoman Louise M. Slaughter, Congressman Thomas M. Reynolds, Senator Charles E. Schumer, Senator Hillary R. Clinton, and that a response be requested from each elected official.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: LASALLE BUSINESS & PROFESSIONAL ASSOCIATION, ANNUAL DINNER, 2008-42

Agenda Item #17

Relative to the LaSalle Business & Professional Association Annual dinner

BY: All Council Members

WHEREAS, on May 8th, 2008, the LaSalle Business & Professional Association will conduct its annual Installation and Awards Dinner; and

WHEREAS, **the Niagara Falls Bridge Commission** will be honored as the Business of the Year; and

WHEREAS, **John Gross** will be honored as the Business Person of the Year; and

WHEREAS, **Terry Woods** will be the recipient of the LaSalle Community Service Award; and

WHEREAS, **Gail Bimont** will be the recipient of LaSalle's Community Service Award.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the LaSalle Business & Professional Association's 2008 Business and Community Service Awards.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: SAFE HAVEN SUPERVISED VISITATION CENTER OF NIAGARA, INC., 2008-43

Agenda Item #18

Relative to the Safe Haven Supervised Visitation Center of Niagara, Inc.
BY: All Council Members

WHEREAS, on Friday, May 9th, 2008, the Safe Haven of Niagara Falls will hold their Grand Opening, Ribbon Cutting and Open House at their facility located at 600 - 56th Street; and

WHEREAS, the mission statement of the Safe Haven Supervised Visitation Center of Niagara, Inc. is to provide a safe and neutral environment for parent-child relationships to occur; and

WHEREAS, the program provides a continuation of services for the family when obstacles to healthy family interactions are increased;

WHEREAS, Safe Haven will provide access to services that will help parents and children have appropriate contact with one another, assuring safety for all parties; and

WHEREAS, benefits to the Safe Haven Supervised Visitation Center of Niagara, Inc. are focusing on building a relationship with the parent and the child and gives an opportunity for visits to occur on a timely and safe manner with qualified staff and security working at the center.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council, along with Mayor Paul A. Dyster, acknowledge the opening of the Safe Haven Supervised Visitation Center of Niagara, Inc. and their goal to help the families in the Niagara area.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PRESERVATION LEAGUE OF N.Y., MAIN STREET HERITAGE STUDY, 2008-44

Agenda Item #19

Relative to preservation League of New York Application for Main Street Heritage Study

BY: All Council Members

WHEREAS, the City of Niagara Falls has applied for a Preserve New York grant for the above referenced project with a total cost of \$15,000 with Preservation League of New York State and New York State Council on the Arts assistance in the amount of \$7,500 and a local share of \$7,500; and

WHEREAS, matching funds will be available from casino interest revenue.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: COMMERCIAL DISTRICT CLEANUP, 2008-45

Agenda Item #20

Relative to the clean up of Downtown Commercial District

BY: Council Chair Sam Fruscione

WHEREAS, on April 26th, 2008, the City of Niagara Falls, along with numerous Community organizations, sponsored Clean Sweep 2008 to clean up the City of Niagara Falls, particularly the downtown city district area; and

WHEREAS, since tourism season is almost upon us, we are asking developers and landlords to clean up their areas and bring their properties up to code before Memorial Day 2008; and

WHEREAS, the City of Niagara Falls is prepared to issue citations and fines for those properties that do not comply to this request and will, in turn, have the city clean up the properties and bill the owners for all costs incurred.

NOW THEREFORE BE IT RESOLVED, that the Tourism Season begins in less than 30 days and the City of Niagara Falls will no longer tolerate these violations.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: NIAGARA USA/NTCC VISITOR CENTER, 2008-46

Agenda Item #21

Relative to the Niagara USA/NTCC Visitor Center

BY: Council Chair Samuel Fruscione

WHEREAS, on Friday, May 9th, 2008, the Niagara Tourism & Convention Corporation is planning a groundbreaking for the new Niagara USA Visitor Center at Rainbow Boulevard & First Street in the City of Niagara Falls; and

WHEREAS, locating the center at this location will disrupt the arrangements for the patrons of the Niagara Club, a taxpaying business whose customers pay for parking in the lot across from their Club; and

WHEREAS, locating the visitor's center at Rainbow Boulevard & First Street will also reduce the parking revenue substantially for the City of Niagara Falls, especially since this lot is a profitable lot for our city.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council do not support the placement of this temporary visitor center at the City Parking lot and recommend that the NTCC locates their temporary information elsewhere in the Downtown Commercial District area.

Council Member robins moved to amend the communication by striking "at the former flight of angels site"

Yeas 5

Nays 0

AMENDED

Yeas 5

Nays 0

ADOPTED AS AMENDED

RESOLUTION: AMENDING CHAPTER 502 OF THE CODIFIED ORDINANCES ENTITLED "TOWING-RULES AND REGULATIONS", 2008-47

Agenda Item #22

Relative to amending chapter 502 of the codified ordinances entitled 'Towing-Rules and Regulations'

BY: Council Member Steve Fournier

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 502 of the Codified Ordinances entitled "Towing - Rules and Regulations" is hereby amended by amending Section 502.14 to read as follows: 502.14 Fee Schedule.

Authorized city towing service shall not charge more than the following fees for the respective services:

A. Passenger vehicles and light trucks:

- (1) Standard [vehicles up to ten thousand (10,000) pounds] **(fee includes sweeping, speedy dry and debris cleanup)** \$125.00
- (2) Flat bed \$125.00
- (3) Additional fees for labor, recovery and towing:
 - (a) **Additional** truck and driver hourly rate \$ 55.00
 - (b) Dolly wheels \$ 25.00
 - (c) Trailer for motorcycle, ATV, snowmobile \$ 25.00
 - (d) Winching [per one fourth (1/4) hour] \$ 25.00
- (4) Storage (per **[day] 24 hour period**)
 - Inside **(if requested by police)** \$ 40.00
 - Outside \$ 30.00
- (5) Releasing after 5:00 p.m. weekdays or other than required business hours on Saturday, Sunday and holidays \$ 35.00

. . .

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

Yeas	5
Nays	0
	ADOPTED

CONTRACT: SPCA

Agenda Item #23

RE: Approval of SPCA contract

Enclosed(on file in the City Clerk's Office) is the proposed contract with the SPCA for the calendar year 2008.

Funds are included in the 2008 budget.

Will the Council so approve and authorize the Mayor to execute the attached Agreement?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Agenda item #24

Relative to Determination of Significance Pursuant to the State Environmental Quality Review Act (SEQRA) for Ascension Industries, Inc.

BY: Council Chair Sam Fruscione

This action is taken pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law of the State of New York, with regard to the following Project.

WHEREAS, by Local Law the City of Niagara Falls (the "City") authorized the submission of an application for designation of the Empire Zone, pursuant to Section 961 of the General Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board on June 30, 1988; and

WHEREAS, Ascension Industries, Inc. (the "Company") is a growing contract metal working manufacturer employing skilled tradesmen in the welding, fabrication, machining and assembly areas, is expanding its manufacturing operations in the City of North Tonawanda, New York, anticipates creating at least 50 net new full-time jobs over the next five years, and has requested the City of Niagara Falls to amend the Empire Zone local law to include the Company as a Regionally Significant Project under Section 957(d)(i) of the General Municipal Law (the "Project"); and

WHEREAS, the New York State Department of Economic Development and Zone Administrative Board of the City of Niagara Falls have determined that the Project is eligible for Empire Zone designation as a Regionally Significant Project under Section 957(d)(i) of the General Municipal Law; and

WHEREAS, as part of its application for designation of the Project as a Regionally Significant Project under Section 957(d)(i) of the General Municipal Law, the Company has completed and submitted Part I of an Environmental Assessment Form (EAF) in compliance with Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA") with respect to the Project; a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the City has carefully reviewed the EAF and Company correspondence; and

WHEREAS, the City has completed Part II of the EAF.

NOW THEREFORE BE IT RESOLVED THAT:

Section 1 The Project involves an "unlisted action" (as said quoted term is defined under SEQRA). The review is "uncoordinated" (as said quoted term is defined under SEQRA).

Section 2. Based upon a careful and thorough review by the City of the EAF delivered by the Company to the City and other representations made by the Company to the City in connection with the Project, the City has thoroughly analyzed the potential relevant areas of environmental concern and finds that the Project will not result in a potential significant adverse impact on the environment for the following reasons:

a. Land. The Project will not result in an adverse impact to land. The Company is simply conducting manufacturing operations within existing buildings.

b. Water. No water body of any type will be affected by the Project

c. Air. The Project will not adversely impact the quality of air.

d. Plants and Wildlife. The Project will not adversely impact plants and wildlife because no plants or wildlife are present at the Project site.

e. Noise and Odor. The Project will not result in a significance adverse impact to existing levels of noise and odor because no affects on existing levels of noise or odor will result form the Project.

f. Energy. The Project will not result in a significant adverse change in use of either the quantity or quality of energy.

g. Critical Environmental Area. The Project will not result in the impairment of a Critical Environmental Area ("CEA") as defined under the SEQRA regulations because the Project site is not located within a CEA nor will it affect any CEA.

h. Public Health. The Project will not create a hazard to human health.

i. Solid Waste and Wastewater. The Project will no solid waste or wastewater generation.

j. Open Space and Recreational Resources. The Project will not result in a significant adverse impact on existing open spaces and recreational resources.

k. Aesthetic and Historical Resources. The Project will have no affect on any aesthetic or historic cultural resources.

l. Traffic and Parking. The Project will not have a potential significant adverse impact to traffic and transportation and existing parking conditions.

m. Attracting a large group of people to the property. The Project will not attract a large group of people to the properties as it only entails creating 50 new jobs.

Section 3. Based on the foregoing, the City finds that the Project will not have a potential significant adverse impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and, in particular, pursuant to the criteria found at 6 N.Y.C.R.R. § 617.7(b) of the SEQRA regulations. The City thus issues a Negative Declaration pursuant to SEQRA.

Section 4. The findings and conclusions relating to the determination of significance contained within the Notice of Negative Declaration are hereby adopted and incorporated by reference into this Resolution.

Section 5. This Resolution shall take effect immediately upon adoption.

Yeas 5
Nays 0

ADOPTED

LOCAL LAW: AMEND CITY CHARTER, EMPIRE ZONE, 2008-1

Agenda Item #25

RE: Approval of Local Law to amend City Charter in relation to properties to be located in the Empire Zone

WHEREAS, by Local Law the City of Niagara Falls authorized the submission of an application for designation of the Empire Zone, pursuant to Section 961 of the General Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board on June 30, 1988; and

WHEREAS, Ascension Industries, Inc. is a growing contract metal working manufacturer employing skilled tradesmen in the welding, fabrication, machining and assembly areas, and is expanding its manufacturing facility in the City of North Tonawanda, New York, and anticipates creating at least 50 net new full-time jobs over five years; and

WHEREAS, the New York State Department of Economic Development and Zone Administrative Board of the City of Niagara Falls have determined that the proposed expansion of Ascension Industries, Inc. is eligible for Empire Zone designation as a Regionally Significant Project under Section 957(d) (i) of the General Municipal Law;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The City Council of the City of Niagara Falls approves the allocation of zone lands for the proposed expansion of Ascension Industries, Inc. as a Regionally Significant Project as determined by the Niagara Falls Empire Zone Administrative Board and the New York State Department of Economic Development.

Section 2. The boundaries of said areas to be included in said Empire Zone shall be as set forth in Schedule A, which is attached hereto and made a part hereof.

Section 3. This Local Law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:25 p.m.

Carol A. Antonucci
City Clerk



May 19, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the May 19, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator William J. Bradberry, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Richard Pope, Director of Niagara County Refuse Disposal, gave a presentation on setting up a permanent Hazardous Waste Program at the Public Works garage. A Public Informational Meeting will be scheduled in the Council Chambers, and the program will start in late summer/early fall.

Tom Vitello, the Council's Representative, and George Morreale, the Mayor's Representative, on the Water Board, gave a presentation on their work on the Board. They are trying to improve the working relationship between the Board and the City. Their main concern is the lack of working fire hydrants in the City, and they are encouraging more communication between the Board, and the Engineering and Public Works Departments on projects. Chairman Fruscione asked about the status of the project on 91st Street, and they replied that the contractor is finishing up the project.

Representatives of Photo Violations Technologies were present to respond to concerns about parking meters. Council Member Robins asked Acting Corporation Counsel Thomas O'Donnell if a contract was ready for approval, and a lengthy discussion followed. Concerns were expressed about approval from National Grid, which has not been received, and training of City staff. City Controller Maria Brown expressed her concern about reconciling collections with reports. Mayor Paul Dyster asked that the agreement with Photo Violations Technologies be extended through November 2008, to give the company and the City a chance to work through various issues.

In his Administrative Update, City Administrator William Bradberry asked Public Works Director David Kinney to give an update on the progress of filling potholes with the new machinery. He reported that the machines worked ten hours a day for four days last week, and filled over 3400 potholes. Council Member Anderson noted that he has received positive feedback so far. Mr. Bradberry also informed the Council Members that the City will receive a Special Achievement Award for the Safety First Campaign. He commended the work of the Safety Committee, and also said that it has been suggested that the City and the Water Board hire and share a professional Safety Officer.

Acting Corporation Counsel Thomas O'Donnell distributed copies of three Items to be added to the Agenda:

1. A communication to approve a change order for the elevator installation and repairs at the LaSalle Library.

Council Member Robins moved to add the communication to the Agenda.
Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #21.

2. A Resolution calling for a Public Hearing on the abandonment of an alley.

Council Member Robins moved to add the Resolution to the Agenda.
Yeas 5
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #22.

3. A communication to approve amending the agreement with Photo Violation Technologies.

Council Member Robins moved to add the communication to the Agenda.

Yeas 5

Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #23.

Council Member Walker questioned the benefit to the City of contributing to the Harley rally (Agenda Item #10), and Mr. O'Donnell responded.

Council Member Robins questioned Agenda Items #12 and 13 regarding Union contracts, and Mr. O'Donnell explained that this was combining all previously approved documents into one document.

This Session ended at 5:08 PM

Chairman Fruscione reconvened the Meeting at 7:07 p.m. in the Council Chambers with all Council Members present. Council Chairman Fruscione said the prayer and led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Audrey Perry	Agenda Item #16
Remi Gonzalez	Agenda item #16
Chris McGovern	Agenda Item #16
Tom Yots	Agenda Item #16
Ken Hamilton	Agenda Item #7, #8, #16
Penny Addoms	Agenda Item #16
Norma Higgs	Beautify Niagara Program
Ken Hamilton	Recycling
Gerald Skrlin	City Mascot & bus issues

The following were RECEIVED AND FILED:

Agenda Item #1
City Clerk's Report for April, 2008.

Agenda Item #2
Claim's Report for April, 2008

Agenda Item #3
Mayor's Approval of Resolution 2008-47

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

ENGINEERING: BUDGET AMENDMENT, OVERTIME

Agenda Item #4

RE: Approval of Budget Amendment to transfer \$5,000 into Engineering overtime fund

The 2008 adopted budget included \$1,000.00 for overtime for the Engineering Department. Due to the lack of a City Engineer on staff, additional duties have been performed by Engineering personnel and the overtime allotment is presently close to depletion. I am requesting that the Council again amend the budget to increase the Engineering overtime fund an additional \$5,000.00. Funds are available in A1440.0000.0110.000 (Biweekly Payroll).

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: PREMIER PYROTECHNICS, INC., FIREWOEKS

Agenda Item #5

RE: Approval of contract for July 4th fireworks display to Premier Pyrotechnics, Inc. for \$25,000.00

We respectfully request you award a contract for fireworks display as follows:

TO: Premier Pyrotechnics, Inc.
Produced and Distributed by
Skylighters of Western new York, Inc.
3362 Baker Road
Orchard Park, NY 14127

FOR: Fireworks displays on July 4th at Hyde Park: \$25,000.00

Requests for proposals were sent to five (5) companies. The above referenced company submitted the only proposal. This company provided our July 4th fireworks display last year.

Funds of \$24,000 are available in the Tourism Fund account code T6410.0000.0449.599 and \$1,000 from 2006 Tourism fund balance.

Council Member Robins moved that the communication be amended as above

Yeas 5

Nays 0

AMENDED

Council Member Walker moved that the communication be received and filed and the recommendation be approved as amended.

Yeas 5

Nays 0

APPROVED AS AMENDED

CONTRACT: VALERI CONCRETE CONSTRUCTION, INC., SIDEWALK REPLACEMENT

Agenda Item #6

RE: Approval of contract with Valeri Concrete Construction, Inc. for replacement of sidewalks at various locations

The following is the result of bids received on May 1, 2008, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Valeri Concrete Construction, Inc.	\$250,937.50
6655 Errick Rd.	
North Tonawanda, NY 14120	

It is the recommendation of the undersigned that this contract be awarded to the sole bidder, Valeri Concrete Construction, Inc. in the amount of \$210,000.00. Funds are available under Public Works Code A5110.0200.0300.000 with the remainder funded from the 2007-08 CHIPS balance. Please note all costs are totally reimbursable by New York State CHIPS Funds.

Additionally, the Contractor has agreed to extend the unit prices of his bid to complete sidewalk replacements for the Niagara Falls Water Authority, in an amount not to exceed \$20,000.00, under the Niagara Falls Water Board budget, pending authorization by the Niagara Falls Water Board. Therefore, the City of Niagara Falls and the Niagara Falls Water Board will enter into a contract with Valeri Concrete Construction, Inc., to total \$270,937.50.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the City Of Niagara Falls portion of this work, in a form acceptable to the Corporation Counsel?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

FAMILY & CHILDREN'S SERVICE GRANT

Agenda item #7

RE: Approval of \$250,000.00 Grant from Casino Funds to Family & Children's Service of Niagara for the 1522 Main Street project

Family & Children's Service of Niagara, Inc. has provided services throughout Niagara Falls for over 100 years. Family & Children's Service is seeking to consolidate its administrative operations and client services at 1522 Main Street (corner of Linwood Avenue).

The 1522 Main Street Project will result in the expenditure of over \$2 Million for the purchase and renovation of the building. In addition to the renovations, the vacant building at 1518 Main Street will be purchased and demolished, with the lot graded, seeded and available for future expansion. The Project costs will be paid for through a combination of conventional financing, fundraising and grants.

The City has previously committed \$200,000.00 of Community Development Block Grant funds to the project. Family & Children's Services has requested a grant of \$250,000.00 of casino revenues for the project.

Casino revenues allocated to the City pursuant to §99-h of the State Finance Law may be used for such public purposes as determined by the City to be necessary and desirable to accommodate and enhance neighborhood revitalization. This project will renovate a blighted building which has long been an eyesore on Main Street. The project will also relocate 60 Family & Children's Service employees to Main Street. We believe that these employees and clients, along with the customers who patronize the new courthouse and police station, will contribute to the demand for new services on Main Street, thereby spurring further revitalization.

A portion of the casino revenues is proposed for preparation of the construction documents. The balance of the grant is proposed for hard construction costs. If the grant is approved, the casino revenues will be transferred when Family & Children's Service has incurred the costs to be paid for with the revenues. Hard construction costs funding will be transferred after Family & Children's Service has purchased the property and has funding in place to pay for the construction costs.

The City must comply with the requirements of the State Environmental Quality Review Act (SEQRA) whenever it undertakes, funds or approves a project (Community Development funding undergoes federal environmental clearance under the CDBG regulations). The use of casino revenues to fund this project constitutes a Type 2 action under SEQRA, as the project is replacement reconstruction or rehabilitation of a structure or facility in kind on the same site. As a Type 2 action, the funding of this Project is not subject to review under SEQRA.

Will the Council vote to approve the grant of \$250,000.00 of casino revenues to Family & Children's Service of Niagara, Inc. for the 1522 Main Street Project as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

HOPE VI GRANT AMENDMENT

Agenda Item #8

RE: Approval of amendment to the HOPE VI Casino revenue grant

Under the February 2007 grant agreement, a copy of which is attached, the City appropriated \$3 Million in casino revenues for Phase 1 of the Niagara Falls Housing Authority ("NFHA") HOPE VI project. Under the grant agreement, the funds are to be used only for Phase 1 demolition costs and hard construction costs. The funds may not be used for any architects, lawyers, engineers, developers, project administrative costs, NFHA administrative costs or other soft costs. NFHA is required to provide quarterly reports to the City detailing the use of the funds.

On February 27, 2007, the City transferred \$1 Million to NFHA. The City requested that USA Niagara/ Empire State Development Corp. release the \$1 Million of the City casino funds held by ESDC. NFHA is currently negotiating directly with ESDC for the release of that \$1 Million for use in Phase 1 of the Project. The ESDC grant agreement provides for transfer of funds for hard costs as the costs are incurred.

The City also transferred about 6.1 acres of Center Court Park to NFHA for no consideration. The City obtained approval for the transfer of park land from the State legislature and from the National Park Service (due to an Urban Park and Recreation Recover ("UPARR") grant). Under the terms of the approvals, the City is required to provide replacement parkland of equivalent acreage, fair market value and recreational utility by December 31, 2008.

Upon reviewing the closing documents for Phase 1 of the HOPE VI Project, it was discovered that only \$2 Million of casino revenues was budgeted for Phase 1. The last \$1 Million is budgeted for Phase 2. The project timetable for Phase 2 shows demolition and construction starting January 18, 2009.

The Phase 1 closing documents also show that NFHA is to receive a \$654,367 Developer Fee for Phase 1 (\$76,845 goes into the project as a deferred portion of the fee; \$94,716 was paid to NFHA at closing). The budget shows a \$773,794 NFHA developer fee for Phase 2, and a \$439,853 NFHA developer fee for Phase 3. In addition, the Phase 1 budget provides \$1,498,332 for administrative costs to the PHA ("Public Housing Authority," which is NFHA), Community Services and unspecified "fees and costs." These are in addition to the costs specifically to be paid in the project budget (e.g., \$130,000 for the NFHA inspector).

The 2007 casino revenue grant agreement requires all \$3 Million of the funds to be expended for Phase 1. Due to the fact that \$1 Million of the revenues is currently budgeted for Phase 2, it is necessary to amend the grant agreement if the final \$1 Million is to be obligated.

Attached is a proposed grant agreement amendment which provides that the final \$1 Million be used for Phase 2 demolition and construction hard costs. The expenditure of the funds must commence by January 1, 2013, and be complete by December 31, 2013, with any unexpended funds to be returned on December 31, 2013.

Another issue which is addressed in the grant agreement amendment is the interest earned by NFHA on the casino revenues. Normally, the use of interest earned by a grantee on grant funds is not an issue, as grant funds are transferred only as the funds are needed to pay for project costs. Other funding for the HOPE VI Project is transferred upon requisition, as costs are incurred. This is the normal funding method for all City grants, including Community Development, HOME, Emergency Shelter Grant and other federal programs. This is the procedure which the state is requiring for the casino revenues under control of ESDC. The transfer of grant funds prior to the grantee incurring costs is a departure from standard and long-standing City practice and procedure. However, City Council has clearly stated that it intended to allow NFHA to earn interest on the grant funds and to use that interest for the Project.

No interest earned on the grant funds is budgeted for Phase 1 of the HOPE VI Project. None of the \$1 Million principal or interest transferred by the City to NFHA in February 2007 has yet been spent. This grant amendment allows NFHA to expend interest earned on the grant funds for the same purposes as the principal, i.e., demolition and construction hard costs and not soft costs or NFHA administrative costs. The amendment allows the use of the interest for either Phase 1 or Phase 2 Project hard costs.

Will the Council vote to approve the attached(on file in City Clerk's office) amendment, and authorize the Mayor to execute the same?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

PARKS & PUBLIC WORKS: CAPITAL PLAN SURPLUS

Agenda Item #9

RE: Approval to use \$29,075 surplus funds from Department of Parks and Public Works capital plan funding for purchase of additional items

At your March 10, 2008 meeting, as part of the approval of the capital plan, you approved the expenditure of casino interest funds for certain purchases in the Department of Parks and Public Works.

All of the approved items have been acquired and there is a surplus amount of \$29,075. Attached(on file in City Clerk's Office) hereto is a recommendation from the department head for the purchase of additional items with these funds.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

HARLEY OWNERS GROUP NYS RALLY

Agenda item #10

RE: Approval to appropriate \$5,000 from 2006 Tourism fund Balance to the New York State Rally, Inc. to sponsor Harley rally

As the Council is aware, the local Harley Owners Group is sponsoring a New York State Rally on July 10, 11 and 12, 2008 in the City of Niagara Falls.

Based on the estimated number of participants and the average amount that each spends at this type of event, it is expected that this will have a multi-million dollar impact on the local economy.

The Group has asked for sponsorship support in the amount of \$5,000 to provide entertainment and to help defray administrative expenses related to the rally.

It is recommended that \$5,000 from the 2006 Tourism Fund balance be appropriated to the New York State Rally, Inc. to sponsor this event.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

BUDGET APPROPRIATION: POLICE CAPTAIN POSITION

Agenda Item #11

RE: Approval of Budget Appropriation of \$6,130.16 for retroactive pay in filling vacant police captain position

The above referenced matter was a lawsuit filed by the Police Captains and Lieutenants Association seeking the filling of a vacant police captain position.

Judge Kloch ruled in favor of the Union and ordered the City to fill the captain's position retroactive to May 31, 2007.

The filling of the position has been complied with and in order to pay the retroactive salary and fringe benefits in the total amount of \$6,130.16, it is necessary to appropriate fund balance.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

MEMORANDUM OF UNDERSTANDING: POLICE CAPTAINS & LIEUTENANTS ASSOCIATION

Agenda item #12

RE: Approval of 2004-2007 Memorandum of Understanding with the Niagara Falls Police captains & Lieutenants Association

Enclosed(on file in City Clerk's office)please find the proposed Memorandum of Understanding between the Niagara Falls Police Captains and Lieutenants Association and the City of Niagara Falls.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

COLLECTIVE BARGAINING AGREEMENT: FIRE DEPARTMENT OFFICERS ASSOCIATION

Agenda Item #13

RE: Approval of 2004-2007 Collective Bargaining Agreement with Niagara Falls Fire Department Officers Association

Enclosed(on file in City Clerk's Office)please find the proposed Collective Bargaining Agreement between the Niagara Falls Fire Department Officers Association and the City of Niagara Falls.

This Agreement is a compilation of the Contract that expired in 2003 and the Memorandum of Agreement 2004-2007. It does not alter or amend any provision currently in effect.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: LEE, CHARIFA M.

Agenda Item #14

RE: Approval to settle and pay claim of Charifa M. Lee in the amount of \$2,345.22

Date Claim Filed: February 28, 2008
Date Action Commenced: N/A
Date of Occurrence: January 30, 2008
Location: 1744 Welch Avenue, Niagara Falls, NY
Nature of Claim: Damage caused by City tree.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: \$2,345.22
Make Check Payable to: Charifa M. Lee
Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #15

RE: Approval to appoint Commissioner of Deeds for a term from July 1m 2008 to June 30, 2010

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2008 to June 30, 2010.

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

Jeffrey Bancroft-Billings	Niagara Falls Police Dept.
Daniel Dobrasz Jr.	Niagara Falls Police Dept.
Roger Freeman	Niagara Falls Police Dept.
Raymond Maietta	Niagara Falls Police Dept.
Morris Shamrock	Niagara Falls Police Dept.
Frank Tedesco	Niagara Falls Police Dept.
Julie Kunecki	Inspections
Anita Zona	Human Resources
William James Bradberry	2500 Hyde Park Blvd., NF, NY 14305
Catherine O. Byrd-Sistarsk	537 Memorial Pkwy., NF, NY 14301
Stephanie Churakos	126 81 st Street, NF, NY 14304
Frances Curcione	3302 Walnut Ave., NF, NY 14301
Richard D. Hague Jr.	736 4 th Street, NF, NY 14301
Jean Kennedy	1423 Wyoming Ave., NF, NY 14305
Richard McClelland	800 Niagara Ave., NF, NY 14305
Maureen Minicucci	2953 McKoon Ave., NF, NY 14305
Mary Anne Nelson-Loefke	2125 Lockport St., NF, NY 14305
Kevin Peploe	669 78 th Street, NF, NY 14304
Holley Porter	1700 Pine Ave. Ste. 205, NF, NY 14301
Jemelie E. Raybon	1716 Ferry Ave., NF, NY 14301
Christianer Smith	9234 Niemel Dr. Apt. #7, NF, NY 14304
Joseph J. Swartz	1319 Willow Ave., NF, NY 14305
Richard Williams	2761 Falls St., NF, NY 14303

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

SACRED HEART ROMAN CATHOLIC CHURCH, HISTORIC LANDMARK

Agenda Item #16

RE: Approval of 1112 South Avenue, the sacred Heart Roman Catholic Church Complex, as an historic landmark

Attached is the report from the Niagara Falls Historic Preservation Commission recommending designation of 1112 South Avenue, the Sacred Heart Roman Catholic Church complex, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the church, rectory (but not attached garage), convent and school exteriors, and the interior of the church, including the nave, transepts, apse, choir loft and narthex. The school annex at 1113-1117 Cleveland Avenue and the vacant land at 1132 South Avenue are not part of the recommendation.

This proposed designation was approved based on the action of the Commission on its own initiative pursuant to the Historic Preservation Ordinance. The property is listed in the assessor records as owned by Sacred Heart Roman Catholic Church.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the historic landmark designation of the exterior of the church, school, convent, and rectory (not the garage), together with the interior of the church nave, apse and narthex for the Sacred Heart Roman Catholic Church complex at 1112 South Avenue, and forward the designation to the Mayor, as provided by City Ordinance?

Council Member Robins moved that the communication be amended as above

Yeas 5
Nays 0

AMENDED

Council Member Walker moved that the communication be received and filed and the recommendation approved as amended.

Yeas 5
Nays 0

APPROVED AS AMENDED

RESOLUTION: PARKING METERS, 2008-

Agenda Item #17

Relative to the removal of the parking meters from downtown City District

BY: Council Chair Sam Fruscione

WHEREAS, it has been over a year since the installation in December of 2006 of the parking meters in downtown Niagara Falls was approved with the understanding that they would be up and running by Memorial Day 2007; and

WHEREAS, there has since been problems with the wireless communication of these meters; and

WHEREAS, black plastic hoods have been placed over many of the non-working meters, which many of our residents and tourists have called "eye sores;" and

WHEREAS, the agreement between the City and Photo Violations expired in 2007; and

WHEREAS, the problems with the meters are still unresolved.

THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it asks the Mayor to end negotiations with Photo Violations for an extension of its agreement with the City and to have Photo Violations remove its equipment immediately and restore city property as soon as possible.

Council Member Robins moved to table the resolution.

Yeas 3
Nays 2

Fournier, Robins, Walker

Nays 2
Anderson, Fruscione

TABLED

RESOLUTION: HUMAN RIGHTS COMMISSION APPOINTMENTS, 2008-49

Agenda Item #18

Relative to appointments to the Niagara falls Human Rights commission
BY: Council Member Charles Walker

BE IT RESOLVED, that the following individuals are hereby appointed to
The City of Niagara Falls Human Rights Commission effective immediately for
the expiration date, which appears opposite his/her name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Lee Whitaker 1324 Calumet Avenue Niagara Falls, NY 14305 285-2893	6/01/11
Jeff Paterson 826 - 90 th Street Niagara Falls, NY 14304 283-3726	6/01/11
William Bradberry 2500 Hyde Park Blvd. Niagara Falls, NY 14305 206-8637	6/01/11

Yeas
Nays

5
0

ADOPTED

RESOLUTION: BROWNFIELD CLEANUP PROGRAM, 2008-50

AGENDA ITEM #19

Resolution of the City Council of the City of Niagara Falls, Niagara County, New York in support of removing the 90-Day acceptance moratorium on previously submitted Brownfield Cleanup Program applications

BY: Council Chair Samuel Fruscione

WHEREAS, New York State established the Brownfield Cleanup Program (BCP) under Title 14 of Article 27 of the Environmental Conservation Law as part of the 2003 Superfund/Brownfield Law to encourage and incentivize private sector remediation and development of contaminated real property threatening the public health and welfare because of the failure of publicly funded and other liability programs established to accomplish these same objectives, and

WHEREAS, through the BCP taxpayers are offered incentives in the form of tax credits and New York State liability relief to remediate and redevelop brownfield sites where investment would not otherwise be economically feasible and historically has not occurred, and

WHEREAS, Niagara County and the City of Niagara Falls have identified Brownfield remediation and redevelopment as an economic development priority, and

WHEREAS, one vital component of the Niagara County Brownfields Program is implementation of a \$1 million Niagara County Brownfields Cleanup Revolving Loan Fund Program, funded by the United States Environmental Protection Agency, which will provide financial incentives for remediation of brownfield sites throughout Niagara County, and

WHEREAS, participation in the Niagara County Brownfields Cleanup Revolving Loan Fund Program is directly tied to acceptance into the New York State BCP or the New York State Environmental Restoration Program, and

WHEREAS, the New York State BCP has generated \$1 billion in BCP tax credits for 54 projects throughout New York state to date, and

WHEREAS, less than .01%, or only \$100,000 of the \$1 billion in BCP tax credits are being delivered to Niagara County for a single BCP project, and

WHEREAS, two significant BCP projects have been proposed in Niagara County, the Northern Ethanol Project Northern Ethanol LLC (Canadian Company) - City of Niagara Falls \$240 million ethanol facility on industrial and contaminated site creating over 105 new jobs and the Remington Rand Building Project (Kissling Interests, LLC - City of North Tonawanda \$14 million work/live lofts and mixed use rehabilitation of contaminated former manufacturing facility creating over 100 new jobs) both of which are eligible for the BCP and both of which made submissions for acceptance into the BCP in December 2007, and

WHEREAS, the New York State Department of Environmental Conservation (DEC) was required to make BCP eligibility determinations for both the Northern Ethanol and the Remington Rand Building Projects by March of 2008, and

WHEREAS, the remediation of the contaminants located at these two project sites will protect the public health and welfare, will generate approximately \$254 million in new investment within Niagara County, \$240 million of which will be targeted to the City of Niagara Falls in an industrial and contaminated site, and will create approximately 105 new jobs in the City of Niagara Falls and 274 new jobs overall in Niagara County, and

WHEREAS these two projects were conceived on the existence of and acceptance into the BCP, these projects are dependent upon BCP tax benefits and liability relief, these two projects would not even have been proposed but for the BCP, and BCP acceptance is a contingency for both projects to be undertaken, and

WHEREAS, letters of support for both projects were submitted to the DEC from New York State senators and assembly members, county agencies, and various private businesses, and

WHEREAS, Northern Ethanol LLC cannot effectively raise capital for its Northern Ethanol Project because of delays by the DEC in issuing BCP acceptance and delaying such a determination until July 24, 2008 (the running of the 90-day BCP acceptance moratorium) seriously jeopardizes the project given contamination concerns, BCP uncertainties, and today's already tight credit markets and down turning economy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

RESOLVED, that the Niagara Falls City Council go on record in support of the immediate removal of the 90-day moratorium on BCP applications specifically for BCP applications that were submitted prior to the April 23, 2008 effective date of the 90-day BCP acceptance moratorium and be it further

RESOLVED, that the Niagara Falls City Council asks our New York State Legislative Delegation to compel the New York State Legislature to meet immediately with Governor Paterson and the Regulatory Agencies involved, demanding that this 90-day moratorium not be applicable with respect to BCP applications submitted prior to April 23, 2008, the effective date of the 90-day moratorium, in order for these very important economic development projects to move forward in the City of Niagara Falls and Niagara County, and be it further

RESOLVED, that the Niagara Falls City Council requests the Commissioner of the DEC to immediately determine that the Northern Ethanol Project is eligible for participation in the BCP effective upon the earlier to occur of either the lifting of the BCP acceptance 90-day moratorium or July 24, 2008, and be it further

RESOLVED, that a copy of this resolution be forwarded to NYS Senator Antoine M. Thompson, NYS Senator George Maziarz, NYS Assemblywoman Francine DelMonte, NYS Assemblyman Steven Hawley, NYS Assemblyman Robin Schimminger, NYS Assemblyman Michael Cole, NYS Assemblyman Jim Hayes, Governor David Paterson, NYS Senate Majority Leader & President Pro Tem Joseph L. Bruno, Daniel C. Gundersen, Co-Chairman, Empire State Development, and Christina Orsi, and Director, ESD Buffalo Regional Office.

Yeas

5

Nays

0

ADOPTED

Agenda Item #20

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

BY: Council Chairman Samuel Fruscione

WHEREAS, a Project, the Niagara Falls Signals Project; Signalization Improvements at Five (5) Isolated Intersections in the City of Niagara Falls, Niagara County, PIN 5755.42 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Construction & Construction Inspection phases of the Project, PIN 5755.42.

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above subject project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$98,000 is hereby appropriated (in addition to \$92,000 previously appropriated for the project's Preliminary Engineering phase via City Resolution Nos. 2001-36, 2004-17 and 2006-80 adopted March 26, 2001, February 17, 2004 and July 17, 2006, respectively) and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering and Construction & Construction Inspection phases exceeds the amount appropriated, \$190,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering and Construction & Construction Inspection phases exceeds \$617,000, the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Mayor of the City of Niagara Falls is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the Local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Yeas

5

Nays

0

ADOPTED

CONTRACT: PATRICK DEVELOPMENT, INC., CHANGE ORDER #1

Agenda item #21

RE: Approval of change order #1 to contract with Patrick development, Inc. for elevator installation and repairs at LaSalle library for \$36,852.35

On November 20, 2006, a contract for the above referenced project was awarded to Patrick Development, Inc. in the amount of \$133,200.00.

Subsequent to the start of this project, various building code compliance issues were brought to the City's attention. Correcting these deficiencies at a cost of \$36,852.35 was beyond the original scope of this contract, but were deemed both necessary and appropriate expenditures at this time by the Engineering Department.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of \$36,852.35, increasing the contract total to \$170,052.35. Funding for these services is available under Capital Code H0904.2004.0904.0443.000, originally appropriated for this project.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: PUBLIC HEARING, ABANDONMENT OF ALLEY BETWEEN 70TH & 71ST STREET, 2008-52

Agenda Item #22

Resolution calling for a Public Hearing regarding the abandonment of the alley running North/South between 70th & 71st Streets, South of Niagara Falls Boulevard

BY: Council Chairman Samuel Fruscione

WHEREAS, the adjoining property owner has requested the abandonment of the alley running north/south between 70th and 71st Streets, south of Niagara Falls Boulevard; and

WHEREAS, the Planning Board has recommended to Council that this request be approved; and

WHEREAS, this Council declares its intention to abandon said alley.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that a public hearing be held relative to the abandonment of the aforementioned alley, said public hearing to be held at a meeting of the Council to be held in the Council Chambers in City Hall on June 2, 2008 at 7:00 p.m. Eastern Daylight Time, and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said alley in the official newspaper once a week for two successive weeks preceding June 2, 2008.

Yeas 5
Nays 0

ADOPTED

CONTRACT: PHOTO VIOLATION TECHNOLOGIES CORPORATION

Agenda Item #23

RE: Approval of amendment to agreement with Photo Violation technologies Corporation to extend the trial period through November 2008

In 2006, the City entered into an agreement with Photo Violation Technologies Corporation to provide a test of their parking meters in the City. The agreement provided that the trial period would end on or about November 1, 2007.

Due to various delays with the installation, many of which were beyond the control of either the City or Photo Violation, the anticipated testing of the meters during the 2007 tourist season did not occur.

In order to provide for a trial during the tourist season, it is requested that the Council approve an amendment to the contract that would change the completion of the trial period from November 1, 2007 to November 1, 2008.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas		4
	Anderson, Fournier, Robins, Walker	
Nays		1
	Fruscione	

APPROVED

HOST COMMUNITY STANDING COMMITTEE PROTOCOLS, RESCINDING

Agenda Item #24

RE: Request to rescind Host Committee Standing Committee Protocols

At your April 7, 2008 meeting you approved the proposed protocols.

Since that time the protocols have gone through some revisions and I would ask that you rescind your approval of the April 7, 2008 meeting so the Administration may work on the revisions.

Council Member Robins moved that the communication be added to the agenda.

Yeas		5
Nays		0

ADDED TO AGENDA

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas		5
Nays		0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:54 p.m.

Carol A. Antonucci
City Clerk



JUNE 2, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the June 2, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr., Chris Robins, Charles A. Walker - 4.

Absent: Council Member Steven Fournier-1

Also present: Mayor Paul A. Dyster, City Administrator William J. Bradberry, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meetings of May 5, 2008 and May 19, 2008.

Yeas

4

Nays

0

APPROVED

In his Administrative Update, City Administrator William Bradberry spoke about "greeters" in City Hall, and asked Louise Yots to explain the program. Council Member Anderson said that this program would be a positive thing for the City. Mr. Bradberry asked Public Works Director David Kinney to give an update on the "pothole killer" machines and street paving. When asked about using the machine after the trial period ended, Mr. Kinney informed the Council Members that he expected to receive that cost within the next day. Council Member Anderson noted that Stevenson Avenue is in need of repair, and Mr. Kinney also said that some street repairs are not being done until the Water Authority does their work on those streets. Council Member Robins noted to Mr. Kinney that the golf course is in good shape. Mr. Bradberry said that meetings have been set up with representatives of Photo Violations Technology to discuss parking meters. Mr. Bradberry also said that the Friday at the Falls concerts would begin this week.

Mayor Paul Dyster spoke on "green" initiatives that he was working on.

City Controller Maria Brown informed the Council Members that the process of preparing the 2009 Budget has begun, and she had met with Department Heads to discuss the process. She also gave the Council Members an update on the use of credit cards for citizens to pay their taxes and water bills, and various other City licenses and permits.

Chairman Fruscione asked Kevin Cottrell to speak on the contract for the Ontario House Jazz Reunion (Agenda Item #5).

Mr. O'Donnell distributed copies of two Items to be added to the Agenda.

1. A communication relative to approval of Host Community Standing Committee Protocols.

Council Member Robins moved to add the communication to the Agenda.

Yeas

4

Nays

0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #19.

2. A communication relative to authorizing additional funds for a "pothole killer" machine.

Council Member Robins moved to add the communication to the Agenda.

Yeas 4

Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #20.

The Council also amended Agenda Items #5 and 15.

This Session ended at 5:00 PM

Chairman Fruscione reconvened the Meeting at 7:05 p.m. in the Council Chambers with Council Members Anderson, Robins and Walker present. Council member Steve Fournier was absent. The prayer was said by Council Member Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Fruscione announced a Special Order of Business, a Public hearing relative to abandonment of alley running North/South between 70th and 71st Streets, South of Niagara Falls Boulevard, and asked if there were any speakers. There were no speakers.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Ken Hamilton	Agenda item #1
Ron Anderluh	3 rd Street Businesses
Jerry Genova	Condition of Cordish Properties
Candace Corsaro	North End Playground update
Ken Hamilton	Memorial weekend carnival, Taxi Cab Conditions

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: AMENDMENT TO CDBG GRANTS FOR MEMORIAL MEDICAL CENTER & NF HOUSING AUTHORITY

Agenda Item #1

RE: Approval of amendments to approved CDBG Grants for the Niagara Falls Housing Authority and Memorial Medical Center

The Niagara Falls Housing Authority and Niagara Falls Memorial Medical Center have both requested that their 2008 CDBG grants, previously approved by City Council, be amended to reflect changes in the program activities as originally proposed.

The Niagara Falls Housing Authority's 2008 grant request was presented to City Council for approval as an after-school reading program entitled "I Can Read", funded at \$15,000. Subsequent to Council approval, discussions ensued with the Housing Authority regarding the specifics of the program and how proposed activities would be billed to the City. It became apparent that the after school reading program was only a small portion of the Housing Authority's intent. They have submitted a revised budget and activity descriptions that include music instruction, cooking classes, and field trips.

Only \$600.00 has been dedicated to purchase educational items for the reading program. The revised activities are eligible for CDBG funding, however, because they differ so substantially from the original proposal we are requesting that Council now approve the revised project, with funding to remain at \$15,000.

Niagara Falls Memorial Medical Center has also requested an amendment to their 2008 CDBG grant, whereby \$50,000 was allocated for the paving and landscaping of a parking lot to accommodate patients and visitors to the emergency medical center. Memorial Medical Center is requesting that the funds now be used to improve handicapped access to the Hamilton B. Mizer Primary Care Center at 501 Tenth Street by repairing the elevator serving the building. In addition, improvements will be made to the Center's parking lot. Once again, due to the substantial changes to the proposed activity we are requesting Council approval of the revised project, with funding to remain at \$50,000.

Will the Council vote to so approve the program amendments described herein and authorize the Director of Community Development to effectuate same.

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas
Nays

4
0

APPROVED

CONTRACT: CHANGE ORDER #3, STOHL ENVIRONMENTAL LLC., ASBESTOS MONITORING

Agenda item #2

RE: Approval of Change Order #3 in the amount of \$60,000 to Stohl Environmental, LLC for asbestos monitoring

Stohl Environmental LLC has been the City's asbestos services consultant for several years, performing project site surveys and conducting air monitoring analysis relative to all Community Development funded demolition projects. The referenced contract was awarded to Stohl Environmental on January 30, 2006 in the amount of \$146,200, and amended through two previous change orders to \$256, 200.

The Department of Community Development is in the process of bidding Demolition Contract CD 2008-1 which will result in the clearance of 22 blighted structures throughout the City. In order to provide the required asbestos monitoring services for this project, we are requesting that City Council award a change order in the amount of \$60,000 to Stohl Environmental LLC. The amount requested will provide sufficient funding to pay for the remaining asbestos monitoring work related to the 2008 demolition program.

It is the intention of the Department of Community Development to solicit competitive bids later this year for a new asbestos services contract in anticipation of demolition contracts to be awarded in 2009 and 2010.

It is our recommendation that Change Order #3 to Asbestos Services Contract 2006-2007, in the amount of \$60,000 be approved by City Council. Funding is available in Community Development Budget Code CON000.

Will the Council vote to so approve the change order and authorize the Director of Community Development to effectuate same.

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0

APPROVED

DIRECTOR OF BUSINESS DEVELOPMENT, CREATE POSITION

Agenda Item #3

RE: Approval of creation of position of Director of Business Development

The City Economic Development Director position was removed from the City budget on a number of occasions, and variously has settled under the jurisdiction of Niagara Falls Urban Renewal Agency and N.F.C. Development Corp. As it stands now, the Senior Business Development Officer position was an NFURA position, with funding approved for 2008 by N.F.C Development Corp.

It is proposed that the position be brought back into the City system as Director of Business Development. The position is proposed as an exempt, non-competitive position. This position will be responsible for N.F.C. and NFURA, will coordinate the Empire Zone and Renewal Community activities, and will administer business development loans through N.F.C, the City Community Development Department or from City Casino Revenues. This position will continue after the hiring of an Economic Development Director through our national search efforts.

The proposed job specification for the new position is attached(on file in City Clerk's office). The \$55,500.00 salary for the position was previously approved by NFURA, and is budgeted to be reimbursed for 2008 by N.F.C. In 2009, the salary can be paid from casino revenues, reimbursed by NFURA, by N.F.C., or paid from City funds, as the Mayor, Council and appropriate agencies determine.

If approved, this position is subject to final review by the State Civil Service Commission. The job specification was approved on May 29, 2008 by the local commission, and will be submitted to the State Commission on approval.

Will the Council vote to approve the creation of the Director of Business Development position as set forth herein?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0

APPROVED

CONTRACT: RIVERSIDE CHEMICAL CO., SODIUM HYPOCHLORITE

Agenda Item #4

RE: Approval of Bid #15-08 to Riverside Chemical Co. for Sodium Hypochlorite

We respectfully request you award the above referenced bid as follows:
TO: Riverside Chemical Co.
871 River Road
North Tonawanda, NY 14120

FOR: Sodium hypochlorite in bulk deliveries (est. 2,500 gals): \$2.59/gal
Sodium hypochlorite in 55 gal. drums (est. 3,000 gals.): \$1.89/gal

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Three (3) bids were received. The above referenced company submitted the lowest bid for each respective item.

Funds for this expenditure are available in the Swimming Pools Maintenance/Repair code: A7146.0200.0419.009.

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

CONTRACT: ONTARIO HOUSE JAZZ REUNION/JOEY DEFRANCESCO

Agenda Item #5

RE: Approval of agreement for Joey DeFrancesco to perform at the Jazz Reunion

Attached(On File In City Clerk's Office) is a proposed agreement for Joey DeFrancesco to perform at the Jazz Reunion. \$7,000 of funding was included in the 2008 Tourism budget, the remaining funds will come from the 2006 Tourism Fund balance. It is estimated that the additional expenses included in the contract will total approximately \$1,000. Therefore, will the Council vote to appropriate \$4,000 from the 2006 Tourism Fund balance and to approve the attached agreement subject to all City payments being made by check?

Council Member Walker moved that the communication be amended.
Yeas 4
Nays 0
AMENDED

Council Member Robins moved that the communication be received and filed and the recommendation approved as amended

Yeas 4
Nays 0
APPROVED AS AMENDED

CONTRACT EXTENSION: WILLIAM MCDONALD, 5815 BUFFALO AVENUE

Agenda Item #6

RE: Approval to extend agreement with William McDonald in reference to 5815 Buffalo Avenue

The City has previously entered into an agreement with William McDonald to sell the above referenced parcel. Mr. McDonald is seeking to extend the agreement, which has expired pursuant to its terms. His plans for residential development at the site are currently before the Planning Board. It is recommended that the agreement be amended to extend the agreement subject to the following deadlines:

Following Planning Board approval the developer will have six months to apply for a building permit, nine months to obtain a building permit and eighteen months to substantially complete development.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

BUDGET AMENDMENT: SECRETARY SALARY, CITY ADMINISTRATOR

Agenda Item #7

RE: Approval of Budget Amendment to increase salary of Secretary to the City Administrator effective July 7, 2008

During the adoption of the 2008 Budget the Council voted to reduce the salary of the Secretary to the City Administrator and add the amount to the contingency line.

It is requested that the Council amend the Budget by increasing the salary to \$34,504 annually, effective July 7, 2008.

Will the Council so approve?

Council Member Walker moved that the communication be tabled

Yeas	4
Nays	0

TABLED

FOURTH OF JULY CONCERT

Agenda Item #8

RE: Approval to amend agreement with Niagara Summer Fine Arts Program to include a Fourth of July Concert

It is proposed that the Agreement with Niagara Summer Fine Arts Program be amended to add the attached proposal(on file in City Clerk's Office).

Funding will come from the 2006 Tourism Fund Balance.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0

APPROVED

CONTRACT: NATIONAL VACUUM, CD2008-1, UTILITY ABANDONMENT, ASBESTOS ABATEMENT, DEMOLITION

Agenda Item #9

RE: Approval of contract with National Vacuum for utility abandonment, asbestos abatement and demolition of various properties

The following bids were received by the Department of Community Development on May 27, 2008 for the demolition of twenty two (22) structures as described on the attached list(on file in City Clerk's Office).

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
National Vacuum	\$362,640.00
Metro Contracting & Environmental	\$535,915.00
Mark Cerrone Inc.	\$512,853.00

It is our recommendation that a contract be awarded to the low bidder, at their base bid amount of \$362,640.00. National Vacuum Corp.'s bid proposal had a \$10.00 arithmetic error in the actual sum of the individual bid items. In this case, the actual total sum of \$362,640.00 shall be awarded.

Funding is available in following Budget Codes:

• Community Development Demolition Fund (CDR099)	\$293,920.00
• Capital Fund (HO815.2008.0815.0449.599)	\$ 68,720.00
	<u>TOTAL</u>
	\$362,640.00

Will the Council vote to award contract CD 2008-1 to National Vacuum Corporation as described herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0

APPROVED

RESOLUTION: CIVIL SERVICE COMMISSION, APPOINTMENT, 2008-53

Agenda Item #10

Relative to reappointment to the Niagara Falls Civil Service Commission
BY: Council Member Charles Walker

BE IT RESOLVED, that the following individual is hereby reappointed to
The City of Niagara Falls Civil Service Commission effective immediately for
the expiration date, which appears opposite his/her name:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
Willie C. Fields 1321 Garden Avenue Niagara Falls, NY 14305 284-1911	6/01/14

Yeas
Nays

4
0

ADOPTED

RESOLUTION: CURCIONE, ARTHUR T., HONORING, 2008-54

Agenda Item #11

Relative to Honoring Arthur T. Curcione
BY: All Council Members



Whereas, Staff Sgt. Arthur T. Curcione has served his country in the US
Air Force, 107th Air Refueling Wing; and

Whereas, Staff Sgt. Curcione has enlisted in the US Air Force for six
years and has served two tours fighting the War in Iraq; and

Whereas, he has returned home from serving in the War in Iraq on Sunday,
May 18th, 2008 and will resume his employment with the City of Niagara Falls,
New York.

Now therefore be it resolved, that the **Niagara Falls City Council, along
with Mayor Paul A. Dyster**, welcomes Staff Sgt. Arthur T. Curcione home and
thinks him for his continuing service to our country.

Yeas
Nays

4
0

ADOPTED

RESOLUTION: RENDINA, DAVID A., HONORING, 2008-55

Agenda Item #12

Relative to Honoring David A. Rendina
BY: All Council Members



Whereas, Technology Sergeant David A. Rendina has served his country in the National Guards for 24 years. The armed force is 107th Airforce National Guards; and

Whereas, Technology Sergeant David A. Rendina has served two tours fighting the War in Iraq and was ordered to New York City during 911; and

Whereas, he has been to Kuwait, Saudi and several other countries. Although currently on active duty, David is an employee of the City of Niagara Falls, New York.

Now therefore be it resolved, that the **Niagara Falls City Council, along with Mayor Paul A. Dyster**, welcomes Technology Sergeant David A. Rendina home and thanks him for his continuing service to our country.

Yeas
Nays

4
0

ADOPTED

RESOLUTION: UPSTATE ECONOMIC DEVELOPMENT, 2008-56

Agenda Item #13

Relative to Upstate Economic Development
BY: All Council Members

WHEREAS, Governor Paterson favors consolidating offices within the Empire State Development Corp., which is the business development wing of state government; and

WHEREAS, the Governor's restructuring plan would shift management and resources to Manhattan and likely signal the end to the position of the director of Update Economic Development; and

WHEREAS, the possibility of the loss of the state's upstate economic development director is rather disheartening; and

WHEREAS, the current Upstate Empire Development Director, Mr. Dan Gunderson was a part of the former governor's upstate revitalization strategy which received support from the state Legislature.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council supports maintaining Mr. Gunderson's position as Chairman of the Upstate Development Corporation and supports keeping the office located in the Western New York area.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor David Paterson, State Senators Antoine Thompson and George Maziarz, Assemblywoman Francine DelMonte, the Niagara County Industrial Development Agency, the Niagara County Legislature, and Upstate Development Corporation Chairman Dan Gunderson.

Yeas
Nays

4
0

ADOPTED

Agenda Item #14

Relative to New York State Insurance Fraud Prevention Day

BY: All Council Members

Whereas, June 25, 2008 has been designated as Insurance Fraud Prevention Day; and

Whereas, Insurance fraud, whether committed by sophisticated criminals or otherwise honest consumers, is an expensive burden that takes money out of the pockets of everyone; and

Whereas, No matter how it is done, from inflating damages from a car accident to extending a legitimate workers' compensation benefit, insurance fraud is a crime punishable by law; and

Whereas, Insurance fraud costs consumers billions of dollars annually, which for the average family means hundreds of dollars in additional premiums each year, as a result of insurance fraud; and

Whereas, Millions of people are victimized by insurance fraud without even knowing it. And, insurance fraud can put honest New Yorkers at risk for serious injury if they are a victim of a staged accident, arson or are being treated by a doctor who is more interested in falsifying records rather than providing appropriate care; and

Whereas, the New York Alliance Against Insurance Fraud is a cooperative effort of more than 100 New York State insurance companies dedicated to educating the state's insurance consumers about this pervasive problem.

Now, therefore, be it resolved that the City of Niagara Falls does hereby declare its support of and proclaims June 25, 2008 to be Insurance Fraud Prevention Day and urges our citizens to learn more about insurance fraud, and how not to become entrapped in an insurance fraud scheme.

Yeas	4
Nays	0

ADOPTED

Agenda Item #15

Relative to amending Chapter 173 of the Codified ordinances entitled "Leaves of Absence Without Pay"

BY: Council Chairman Samuel Fruscione

Council Member Robert Anderson, Jr.

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 173 of the Codified Ordinances entitled ALeaves of Absence Without Pay@ is hereby amended to read as follows:

173.01 DEFINITIONS.

As used in this chapter:

(a) "Employee" means all employees of the City.

(b) "City" means the City of Niagara Falls, New York.

(c) "Period of service" means the period of employment of an employee with the City.

(d) "Leave of absence" means the absence of an employee from his position of employment pursuant to the provisions of this chapter, but shall in no way apply to sick leave accruing to or granted to employees pursuant to the provisions of Chapter 171 or to absence from work due to compensable injuries, and such sick leave and absences are hereby expressly excluded from the provisions hereof.

173.02 REASONS FOR LEAVE.

Subject to the terms and conditions herein set forth, leaves of absence shall be granted to employees for the following purposes:

(a) Maternity;

(b) Military service;

(c) Health reasons;

(d) Educational purposes;

(e) To accept another position in government service;

(f) Personal reasons.

(g) Family and medical leave.

173.03 MATERNITY LEAVES.

Maternity leaves shall be granted for a period of one year to commence not later than the sixth month of pregnancy. Notification to the head of the department in which such employee is employed and to the Director of Personnel of the employee's condition of pregnancy shall be given in writing [**at the beginning of the fourth month of pregnancy**], and application for such leave of absence shall thereafter be made in the manner hereinafter prescribed.

173.04 MILITARY LEAVES.

Military leaves of absence for the purpose of military service shall be granted in accordance with the provisions of the laws of the State.

173.05 HEALTH REASONS.

Leaves of absence for reasons of personal health shall be granted for a period of three months where such leave is recommended by a physician designated by the City, following physical examination of the employee and upon the written recommendation of the personal physician of the employee, if no such physician is designated by the City. **The first 12 work weeks of a leave for health reasons will be considered as family and medical leave if all eligibility requirements are met.** Additional leaves shall be granted for additional period of three months, as required, upon the further recommendations of either the City physician or personal physician of the employee, but in no event shall the total period of such leave of absence exceed one year for any one illness.

173.06 EDUCATIONAL PURPOSES.

Leaves of absence for educational purposes shall be granted to enable an employee to attend any duly recognized educational facility for the period of attendance at such educational facility up to a period of one year, if such education shall be deemed by the City [**Manager**] **Administrator** to be in the best interests of the City. An additional one year leave of absence may be granted by the City [**Manager**] **Administrator** at the expiration of the first year, but in no event shall the total leave of absence for educational purposes exceed two consecutive years.

173.07 TO ACCEPT OTHER EMPLOYMENT.

Leaves of absence shall be granted to employees to permit an employee to accept another position in government service within City government, on either an elective, appointive, provisional or temporary basis, but for no other purpose. Such leave of absence shall be granted for a period of ninety days. **[Council] The City Administrator**, for good cause shown, may extend such leaves of absence for additional ninety-day periods[, upon the written request of the City Manager].

173.08 PERSONAL REASONS.

A leave of absence may be granted by the City **[Manager] Administrator** for a period of thirty days for good cause for personal reasons. Additional leaves for this purpose can be granted by the City **[Manager] Administrator**, **[providing] provided** that the total period of all such leaves for such absences shall not exceed ninety days for any one cause.

173.09 FAMILY AND MEDICAL LEAVE

Family and medical leaves shall be granted to employees in accordance with the Family and Medical Leave Act of 1993. Employees meeting the eligibility requirements will be allowed to take time off for up to 12 work weeks in a leave year for the following conditions:

1. Because of the birth of a child (including prenatal care) or to care for such son or daughter. Entitlement for this condition expires one year after the birth.

2. Because of the placement of a child with you for adoption or foster care. Entitlement of this condition expires one year after the placement.

3. In order to care for your spouse, child or parent who has a serious health condition.

4. Because of a serious health condition that makes you unable to perform the functions of your position.

Family and medical leave is not a separate leave, but is charged to annual leave in accordance with current leave policies.

[173.09] 173.10 ELIGIBILITY FOR LEAVE.

To be eligible for a leave of absence for any of the above purposes, an employee shall have been employed by the City for a period of at least one year prior to the time the request for such leave is made, provided that this provision shall not apply to a request for a leave of absence for the purpose of military service and for family and medical leave, must have worked a minimum of 1250 hours during the 12 month period before the date the absence begins.

[173.10] 173.11 RETURN TO WORK; WRITTEN NOTICE.

Any employee granted a leave of absence under the provisions of this chapter shall have the right to return to his employment prior to the expiration of the leave of absence, except that with the respect to leaves of absence for maternity purposes, educational purposes and for the purpose of accepting other employment, such employee shall be required to give thirty days' prior written notice of his proposed earlier return, which notice may be waived by the City **[Manager] Administrator** for good cause shown.

[173.11] 173.12 RESIGNATION DURING LEAVE.

Where any employee on leave of absence resigns, such resignation shall be deemed effective as of the date of commencement of the leave.

[173.12] 173.13 APPLICATION FOR LEAVE.

Leaves of absence shall be granted only upon prior written application to the Director of Personnel on forms prescribed by him/her. Requests for a leave of absence for maternity purposes, educational purposes or for the purpose of accepting other employment shall be made at least thirty days prior to the commencement day of such leave. Within ten days of the receipt by the Personnel Director of a request for a leave of absence, he/she shall report such request to the City **[Manager] Administrator** with his/her recommendation. The City **[Manager] Administrator** shall be empowered to grant leaves of absence pursuant to the terms of this chapter, except as otherwise provided by this or any other law.

[173.13] 173.14 CITY'S RIGHTS.

The granting of a leave of absence to an employee shall in no way restrict the right of the City to lay off, discharge or otherwise terminate the services of such an employee if it would have the right to do so had the leave of absence not been granted.

[173.14] 173.15 UNAUTHORIZED ABSENCE.

Any unauthorized absence without a duly granted leave of absence for a period in excess of ten days shall be deemed to be a voluntary resignation of employment by the employee so absent, in which case such person's employment shall be terminated as of the first day of such absence, but this provision shall in no way restrict the City from terminating the services of any employee absent for a shorter period of time if it otherwise would have the right to do so. The City ~~[Manager]~~ Administrator shall be authorized to reinstate any employee falling under the purview of this section if, in his opinion, and after due investigation, he finds the arbitrary operation of this section has resulted in an unjust separation from employment of any employee.

[173.15] 173.16 PROMOTIONAL EXAMINATIONS.

An employee on a leave of absence from his position shall be allowed to compete in a promotional examination for which he would otherwise be eligible on the basis of his actual service accumulated prior to commencement of his leave of absence.

[173.16] 173.17 CONTINUATION OF SERVICE.

A leave of absence without pay pursuant to this chapter and/or the laws and rules of civil service shall not constitute an interruption of continuous service for the purpose of calculating ~~[service time]~~ seniority only, but this provision shall in no way entitle such employee to any benefits including, but not limited to, sick, vacation and personal day accrual and computation of benefit date for step and longevity increments and vacation entitlement for the period of such absence that ~~[he]~~ the employee would not otherwise be entitled to under existing provisions of State or local law or other applicable ordinances.

[173.17] 173.18 LEAVE NOT DEEMED TERMINATION.

A leave of absence hereunder shall not be deemed to be a termination from service entitling an employee to any lump sum payment.

[173.18] 173.19 VACATION BEFORE LEAVE.

Any employee can be required to use any vacation or compensation time accrued to such employee before being granted a leave of absence hereunder.

[173.19] 173.20 ~~[HOSPITAL]~~ HEALTH INSURANCE BENEFITS END.

No employee granted a leave of absence shall be entitled to ~~[hospitalization]~~ medical and/or dental benefits after the first thirty days of any leave of absence hereunder granted to such employee unless provided for by law, regulation, collective bargaining agreement or ordinance.

Bold and Underlining indicate Additions.

Bold and Brackets indicate [Deletions].

Council Member Fruscione moved to amend the communication	
Yeas	5
Nays	0
	AMENDED
Yeas	4
Nays	0
	ADOPTED AS AMENDED

RESOLUTION: URBAN FORESTRY GRANT APPLICATION, 2008-59

Agenda Item #16

Relative to Urban Forestry Grant Application to the New York State Department of Environmental Conservation

BY: Council Chair Sam Fruscione

Be it resolved by the City Council of the City of Niagara Falls, New York, that Paul A Dyster, as Mayor of the City of Niagara Falls, or such person's successor, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$20,000, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the City of Niagara Falls for the City of Niagara Falls Urban Forestry Grant.

Yeas	4
Nays	0
	ADOPTED

RESOLUTION: TAYLOR, JUSTIN S., EAGLE SCOUT, 2008-60

Agenda Item #17

Relative to awarding Mr. Justin S. Taylor the Rank of Eagle Scout

BY: All Council Members

WHEREAS, on June 1st, 2008, Mr. Justin S. Taylor was awarded the Eagle Scout Rank in the Court of Honor of the Boy Scouts of America; and

WHEREAS, An Eagle Scout is a Scout with the highest rank attainable in the Boy Scouting program of the Boy Scouts of America. Since its introduction in 1911, the Eagle Scout rank has been earned by more than 1.8 million young men; and

WHEREAS, requirements include earning a number of merit badges and demonstration of Scout Spirit, service and leadership. This includes an extensive service project that the Scout plans, organizes, leads and manages.

Eagle Scouts are presented with a medal and a badge that visibly recognizes the accomplishments of the Scout. Additional recognition can be earned through Eagle Palms, awarded for completing additional tenure, leadership and merit badge requirements; and

WHEREAS, Eagle Scouts are expected to set an example for other Scouts and to become the leaders in life that they have demonstrated themselves to be in Scouting. As such, they are disproportionately represented in the military, service academy graduates, major professions, business and politics.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, recognize Justin S. Taylor, son of Jeff and Tami Taylor for obtaining the rank of Eagle Scout from the Boy Scouts of America.

Yeas

4

Nays

0

ADOPTED

RESOLUTION: ABANDONMENT OF ALLEY BETWEEN 70TH & 71ST STREET, 2008-61

Agenda Item #18

Relative to the abandonment of the alley running North/South between 70th and 71st Streets, South of Niagara falls Boulevard

BY: Council Chairman Samuel Fruscione

WHEREAS, the City Council of the City of Niagara Falls desires to abandon the alley running north/south between 70th and 71st Streets, south of Niagara Falls Boulevard; and

WHEREAS, the Planning Board of the City of Niagara Falls approved the abandonment of the aforementioned alley; and

WHEREAS, the City Council did by resolution give notice of its intention to abandon the aforementioned alley and did direct the City Clerk to publish notice of such intention and that a Public Hearing would be held by the City Council at its meeting to be held in the Council Chambers on June 2, 2008 at 7:00 p.m. Eastern Daylight Time, and advised that all persons interested would be heard thereon at said time and place; and

WHEREAS, the hearing was duly held on June 2, 2008 at 7:00 p.m. Eastern Daylight Time in regards to said abandonment.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the alley running north/south between 70th and 71st Streets is hereby abandoned; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be filed in the office of the Clerk of the County of Niagara and that the Mayor may sign deeds or other documents desirable to effectuate this abandonment.

Yeas

4

Nays

0

ADOPTED

HOST COMMUNITY STANDING COMMITTEE PROTOCOLS

Agenda Item #19

RE: Approval of Host Community Standing committee protocols
Attached (on file in City Clerk's office) is the final version of the protocols which were unanimously adopted by the members of the Host Community Standing Committee.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

CASINO FUND EXPENDITURE, POTHOLE KILLER MACHINE

Agenda Item #20

RE: Approval to authorize expenditure of up to \$20,000 of Casino funds to retain usage of pothole Killer machine

Will the council authorize the expenditure of up to \$20,000 of Casino Funds to allow the City to retain the usage of one of the Pothole Killer Machines and material?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

RESOLUTION: MAKE A WISH ORGANIZATION, 2008-62

Agenda Item #21

Relative to Make A Wish

BY: Council Member Charles Walker

Relative to "Make a Wish"

Whereas the Make A Wish organization is launching its National Jot Campaign

Now, therefore be it resolved by the City Council of the City of Niagara Falls that it supports the efforts of "Make a Wish" to grant wishes to the many extraordinary wish children across the United States.

Council Member Robins moved that this communication be added to the agenda

Yeas 4
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

Yeas 4
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci
City Clerk



JUNE 16, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the June 16, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator William J. Bradberry, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of June 2, 2008.

Yeas	5
Nays	0

APPROVED

Mayor Paul A. Dyster presented Henry Sloma, Vice Chairman of the NFTA, with a copy of Agenda Item #21, a Resolution relative to encouraging the public to ride public transportation.

Representatives of Photo Violations Technologies spoke on amendments to their contract with the City for parking meters. After a lengthy discussion, the Council asked for an update from the Administration in two weeks on the progress of negotiating the contract.

During his Administrative Update, City Administrator William Bradberry responded to Council Member Robins' concerns about the cleanliness of the downtown area. Public Works Director David Kinney also reported on work being done in the area by employees from his Department.

Council Member Robins suggested researching the possibility of a four day work week for City employees to save on gasoline costs. He also asked for an update every two weeks from LiRo on the progress of the Municipal Courthouse Project. Civil Engineer Robert Buzzelli reported that the Lewiston Road Project is awaiting funding, there is no time line for the work to be done on the tennis courts at Hyde Park, and the contract has been awarded for the fencing for the 91st Street ball diamonds.

Mayor Dyster introduced Fran Iusi, the new Director of Business Development.

Keith Pitman of Empire State Wind and Energy spoke on a wind energy project for the City, and responded to the Council Members' questions.

Mr. Buzzelli responded to Council Member Anderson that 77th Street should be resurfaced within the next ten days.

Mr. Kinney responded to Council Member Anderson that the City would have use of the Pothole Killer machine for another three weeks, and Chairman Fruscione asked that the machine be used on Pine Avenue.

Acting Corporation Counsel Thomas O'Donnell distributed copies of three Items to be added to the Agenda:

1. A Resolution relative to amending the official Zoning Map.
Council member Robins moved to add the Resolution to the Agenda.
Yeas 5
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED
The Resolution was added to the Agenda as #28.

2. A communication relative to the start date for changing the salary of the City Administrator.
Council Member Robins moved to add the communication to the Agenda.
Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
The communication was added to the Agenda as #29.

3. A communication to reclassify two positions in the Law Department.
Council Member Robins moved to add the communication to the Agenda.
Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
The communication was added to the Agenda as #30.

The Council amended Agenda Item #7 to correct the funding code.

Mr. O'Donnell explained the process for assessment reduction when asked by Council Member Robins (Agenda Item #11).

This Session ended at 4:55 PM

Chairman Fruscione reconvened the Meeting at 7:02 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Steve Schmitt	Agenda Item #28
Bryant Kurtzman	Agenda Item #28
Elliott White	Plan for the City
Jerry Genova	Downtown walkway condition
Candace Corsaro	Northend Playground
Roger Spurbach	Sewer repair expenses

The following were RECEIVED AND FILED:

FROM THE CITY CLERK

Agenda Item #1
Claims Report for May, 2008.

Agenda Item #2
City Clerk's report for May, 2008

Agenda Item #3
Notice of mayor's approval of Resolution 2008-58

Agenda Item #4
Notice of Department of State filing of Local Law 1-2008

FROM THE PLANNING BOARD

Agenda item #5
Denial of request for rezoning of 655 73rd Street from One Family Residential to General Commercial District

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

HOMESTEAD & NON-HOMESTEAD ASSESSMENT ROLL PERCENTAGES

Agenda Item #6

RE: Approval to certify percentages and proportions for Homestead & Non-Homestead Assessment Roll

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached (on file in City Clerk's office) referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certification is now due and the attached (on file in City Clerk's Office) represents the necessary certifications.

Will Council certify the attached percentages and proportions?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: WENDEL DUCHSCHERER, ARCHITECTS & Engineers, PC.

Agenda Item #7

RE: Approval of contract with Wendel Duchscherer, Architects & Engineers, PC as consultant for planning, design and engineering services for former "Century Club" property

The Council previously approved a resolution appropriating \$50,000 in the 2008 Capital Budget for consultant services to establish a master plan and specifications for an expanded public park at the current LaSalle Waterfront Park site. The master plan shall specifically incorporate the former "Century Club" property at 6611 Buffalo Avenue into a new comprehensive park development.

The Planning Division received proposals for the consultant services from three firms as follows:

- ❖ Wendel Duchscherer, Architects & Engineers, PC
\$47,700
- ❖ Environmental Design & Research
\$50,000
- ❖ Joy Kuebler Landscape Architect, PC
\$62,080

An evaluation process whereby each firm's proposed scope of services submission was scored by criteria, which includes cost. City staff evaluated the best fit between stated qualifications, proposed scope of work, and record of past projects, against the expectations and goals of the City. It is the determination of staff that the contract be awarded to Wendel Duchscherer, Architects & Engineers, PC.

Wendel Duchscherer has performed similar work and is responsive to the needs of the City. The cost of up to \$50,000 is in keeping with the budget for this work.

Funding is available in Code H0813.2008 (for planning activities).

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

Council Member Robins moved that the communication be amended to correct the budget code

Yeas 5

Nays 0

AMENDED

Council Member Walker moved that the communication be received and filed and the recommendation approved as amended.

Yeas 5

Nays 0

APPROVED AS AMENDED

BELLEVUE LOCAL DEVELOPMENT CORPORATION: APPOINTMENT, PRYCE, THOMAS &
DAVIS, LAURIE

Agenda Item #8

RE: Approval of appointment of Thomas Pryce and Laurie Davis to the Board of Bellevue Local Development Corporation

I hereby appoint Thomas Pryce and Laurie Davis to the Board of Bellevue Local Development Corporation.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

UNITED STEELWORKERS, LOCAL 9434-02: SETTLEMENT OF GRIEVANCE

Agenda Item #9

RE: Approval to settle outstanding grievances with the City and United Steelworkers 9434-02 employees

Please be advised that the City and the Steelworkers Union have agreed to settle all of the Union's outstanding grievances against the City for the sum of \$9,000 plus all related benefits to be divided equally among the members of the bargaining unit.

From the years 2000 through 2007, there were over 100 grievances filed by the hourly union, which had not been resolved to the Union's satisfaction. This settlement would be made in full satisfaction of all outstanding grievances filed by the hourly union, with the exception of those filed by employee Christopher Scrivano and those filed in the calendar year 2008. The settlement will also have no precedential affect.

Funding is available in the 2006 Fund Balance.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

UNITED STEELWORKER 9434-02: SETTLEMENT OF GRIEVANCE Juzwicki, STEVE

Agenda Item #10

RE: Approval of settlement of grievance with Steve Juzwicki, United Steelworkers 9434-02 employee

Please be advised that the City and the Union have agreed to settle the aforementioned grievance for the sum of \$5,000 plus all related benefits, payable to the grievant, Steve Juzwicki. This settlement covers the period between December, 2001 and August, 2006 where Mr. Jurwicki was mistakenly placed in a lower civil service classification following his transfer from the Niagara Falls Convention Center.

This settlement is to be made without prejudice and without precedential affect.

Funding is available in the 2006 Fund Balance.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS RECEIVED FROM THE CORPORATION COUNSEL

Agenda Item #11

RE: Approval of assessment reduction for the Point-Comfort Inn

The above referenced tax certiorari was filed by the property owner challenging the \$3,700,000 assessment as set by the Board of Assessment Review for the 2007 assessment roll. The property owner is seeking an assessed value \$2,490,000 and after considerable negotiation involving the Court, a proposed settlement has been reached.

The settlement will reduce the assessment to \$3,162,000.

It is the recommendation of the City Assessor and this office that this settlement be approved.

Will the Council so approve?

Council Member Robins moved that the communication be removed from the table

Yeas 5
Nays 0

REMOVED FROM THE TABLE

Council Member Robins moved that the communication be received and filed and the recommendation approved

Yeas 2

Robins, Walker

Nays 3

Anderson, Fournier, Fruscione

DEFEATED

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE TRAFFIC ADVISORY COMMISSION

LOADING ZONE; 27TH STREET ALONGSIDE 2626 PINE AVENUE

Agenda item #12

RE: Approval to install Loading Zone on 27th Street alongside of 2626 Pine Avenue

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL A 42' LOADING ZONE (8AM - 5 PM) ON 27TH STREET, WEST SIDE, JUST NORTH OF PINE AVENUE (ALONGSIDE OF 2626 PINE AVENUE)

Request was made to facilitate the loading/unloading of deliveries on the 27th Street side of street starting at the alley.

Submitted By: Anthony Fasciano & Paulie Talarico, Owners, Shorty's Ultimate Sports Bar & Grill, 2626 Pine Avenue

It is requested that City Council approve this recommendation.

Council Member Walker moved that the communication be received and filed and the recommendation approved

Yeas 5
Nays 0

APPROVED

LOADING ZONE: 78TH STREET ALONGSIDE 7724 BUFFALO AVENUE

Agenda Item #13

RE: Approval to install loading zone on 78th Street alongside of 7724 Buffalo Avenue

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL A 25' LOADING ZONE (8AM - 5 PM) ON 78TH STREET, WEST SIDE, JUST NORTH OF BUFFALO AVENUE (ALONGSIDE OF 7724 BUFFALO AVENUE)

Request was made to facilitate the delivery of steel shipments at the side entrance of Northknight Logistics, Inc.

Submitted By: John Rendle, Northknight Logistics, Inc., 7724 Buffalo Avenue

It is requested that City Council approve this recommendation.

Council Member Walker moved that the communication be received and filed and the recommendation approved

Yeas 5
Nays 0

APPROVED

ALTERNATE OVERNIGHT PARKING: 86TH STREET

Agenda Item #14

RE: Approval to install alternate overnight parking on 86th Street between Lindbergh & Pershing Avenues

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 86TH STREET BETWEEN LINDBERGH AVENUE & PERSHING AVENUE

A Petition from the residents of this block was received with 60% signatures.

Submitted By: Sara Debole, 8607 Lindbergh Avenue, and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Walker moved that the communication be received and filed and the recommendation approved

Yeas 5
Nays 0

APPROVED

HANDICAPPED ACCESS SPACE: 1964 MACKENNA AVENUE

Agenda Item #15

RE: Approval to install a handicapped access space in front of 1964 Mackenna Avenue

At the Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 1964 MACKENNA AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Ramon L. Torres, 1964 Mackenna Avenue

It is requested that City Council approve this recommendation.

Council Member Walker moved that the communication be received and filed and the recommendation approved

Yeas 5
Nays 0

APPROVED

HANDICAPPED ACCESS SPACE: 1937 CUDABACK AVENUE

Agenda Item #16

RE: Approval to install a handicapped access space in front of 1937 Cudaback Avenue

At the Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 1937 CUDABACK AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Edward Raymond, 1937 Cudaback Avenue

It is requested that City Council approve this recommendation.

Council Member Walker moved that the communication be received and filed and the recommendation approved

Yeas 5
Nays 0

APPROVED

NO STANDING ANYTIME RESTRICTION; 21ST STREET

Agenda Item #17

RE: Approval to install "No Standing Anytime" restriction on 21st Street, West side, from Niagara Street north to alley

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL "NO STANDING ANYTIME" RESTRICTION ON 21ST STREET, WEST SIDE, FROM NIAGARA STREET NORTH TO ALLEY

A request was made after a meeting between the 400 block club of 21st Street and Gross Contracting in order to reduce congestion at the entrance to 21st Street due to vehicles parking on both sides of the street.

Submitted By: Ron Anderluh, Revitalization Coordinator, Niagara Street Business Association, on behalf of David Gross Contracting Corp.

It is requested that City Council approve this recommendation. Council Member Fournier moved that the communication be received and filed and the recommendation approved

Yeas	5
Nays	0
	APPROVED

ALTERNATE OVERNIGHT PARKING; MAPLE AVENUE

Agenda Item #18

RE: Approval to install Alternate Overnight Parking on Maple Avenue between Deveaux and Bell Streets

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON MAPLE AVENUE BETWEEN DEVEAUX STREET AND BELL STREET

A Petition from the residents of this block was received with 85% signatures.

Submitted By: Daniel Trane, 1217 Maple Avenue, and Petition/Residents of Block

It is requested that City Council approve this recommendation. Council Member Robins moved that the communication be received and filed and the recommendation approved

Yeas	5
Nays	0
	APPROVED

ALTERNATE OVERNIGHT PARKING: MAPLE AVENUE

Agenda Item #19

RE: Approval to install alternate overnight parking on Maple Avenue between McKoon Avenue and Deveaux Street

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON MAPLE AVENUE BETWEEN MCKOON AVENUE & DEVEAUX STREET

A Petition from the residents of this block was received with 100% signatures.

Submitted By: Daniel Trane, 1217 Maple Avenue, and Petition/Residents of Block

It is requested that City Council approve this recommendation. Council Member Fournier moved that the communication be received and filed and the recommendation approved

Yeas	5
Nays	0
	APPROVED

ALTERNATE OVERNIGHT PARKING: DEVEAUX STREET

Agenda Item #20

RE: Approval to install alternate overnight parking on Deveaux Street between Roselle & Maple Avenue

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON DEVEAUX STREET BETWEEN ROSELLE AVENUE & MAPLE AVENUE

A Petition from the residents of this block was received with 75% signatures.

Submitted By: Daniel Trane, 1217 Maple Avenue, and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Fournier moved that the communication be received and filed and the recommendation approved

Yeas 5
Nays 0

APPROVED

RESOLUTION: "DUMP THE PUMP DAY", 2008-63

Agenda Item #21

Relative to establishing National "Dump the Pump" Day

BY: All Council Members

WHEREAS June 19, 2008 marks the Third Annual National Dump the Pump Day, a day that encourages people to ride public transportation to save money, conserve gasoline, and help reduce greenhouse gases; and

WHEREAS by "dumping the pump" and taking Metro instead of driving a car, people can make a difference and help improve the environment; and

WHEREAS by "dumping the pump" and taking public transportation instead of driving a car, people can save money consuming less gasoline, and reduce our nation's overall dependence on foreign oil; and

WHEREAS public transportation plays an important role in protecting air quality by reducing smog-producing pollutants and greenhouse gases; and

WHEREAS public transportation reduces the country's carbon footprint by 37 million metric tons, the equivalent of 4.9 million households using electricity in a year.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, along with Mayor Paul A. Dyster, proclaim June 19, 2008 as NATIONAL DUMP THE PUMP DAY and encourages the citizens of the City of Niagara Falls to join with transit agencies and participate in the Third Annual National Dump the Pump Day to encourage transit ridership on June 19, 2008.

ALSO BE IT RESOLVED, that by using public transportation, people can help to improve the environment, while helping to reduce our country's dependence on foreign oil by conserving gasoline. Public transportation is an important part of our nation's transportation system and people want to have other options than driving a car.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: GOLF PASSES AND RATES, 2008-64

Agenda Item #22

Relative to the addition to the golf Passes and rates

BY: Council Member Chris Robins

Whereas, in 2005, the Niagara Falls City Council approved a Fee Schedule for various fees providing services to the residents of the City of Niagara Falls; and

Whereas, the City Council wishes to add the following new golf passes and rates as follows:

1. Disability Pass

Includes: This pass would include unlimited golf and cart from the time purchased until the end of the golf season.

Monitoring: A normal golf pass with cart would be issued.

Restriction: This pass would be restricted to any person who is disabled and has a valid New York State Access Card.

Price: \$500.00 for the entire year. (This would be valid for both residents and non-residents).

2. 18-Hole Senior/Disability Rate

Currently: We have a nine hole senior rate at \$9 which is valid Monday thru Friday before 4pm. There is no 18-hole senior rate.

Includes: This proposal would allow people with disabilities who possess a New York State Access Card to receive the senior/disability rate regardless of their age. Also, a new rate of \$13.00 for 18 holes for a senior and/or disabled person presenting this card.

Monitoring: This sale could be put in the computer as a walk up sale

Price: \$9 for 9 holes: \$13 for 18 holes. The price of the cart would remain the same.

Now, therefore be it resolved by the City Council of the City of Niagara Falls, New York that the above new golf passes and rates be added to the fee schedule for the Niagara Falls Golf Course.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PINE AVENUE BUSINESS ASSOCIATIONS 2008 SPECIAL CITIZENS, 2008-65

Agenda item #23

Relative to honoring the Pine Avenue Business Association's 2008 Special Citizens of Pine Avenue

BY: All Council Members

WHEREAS, on Saturday, August 2nd and Sunday, August 3rd, 2007, the Pine Avenue Business Association will hold their Annual Italian Festival; and

WHEREAS, during the festival, PABA will honor eight individuals of Italian decent between the ages of 75 and 91 who have lived and/or worked the majority of their lives in the Pine Avenue business area or neighborhood.

These "Cittadini Speciali" or Special Citizens of Pine Avenue were instrumental in making Pine Avenue a vibrant and viable business district; and

WHEREAS, the following Special Citizens will be honored:

Mario Beccari

Frank Brusino

Angelo D'Aloise

Daniel Giancola

Celia Grant

Vincent Lanzetta

John Niedda

Raffael Tarantino

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the above-named Special Citizens as PABA's "Cittadini Speciali" for 2008.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: AMENDING RESOLUTION 2008-66

Agenda Item #24

Relative to amending resolution 2008-53

BY: All Council Members

WHEREAS, on June 2nd, 2008, Resolution 2008-53 reappointed Mr. Willie Fields to the Niagara Falls Civil Service Commission with an expiration date of 6/01/14; and

WHEREAS, the expiration date for Resolution 2008-53 needs to be amended to 5/31/14.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: GRANT APPLICATION, OPEN SPACE INVENTORY, 2008-67

Agenda item #25

Relative to grant application for open space inventory

BY: Council Chairman Samuel Fruscione

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Paul A. Dyster, as Mayor of the City of Niagara Falls, is hereby authorized and directed to file an application for funds from the New York State Department of State under Title 11 of the New York State Environmental Protection Fund Local Waterfront Revitalization Program, in an amount not to exceed \$200,000 with a City match of \$100,000 from the 2007 Designated Special Project Fund Balance, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Niagara Falls to undergo a complete open space inventory in furtherance of the City's local waterfront revitalization program.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: GRANT APPLICATION, CUSTOMHOUSE INTERIOR RENOVATIONS, 2008-68

Agenda Item #26

Relative to grant application for Customhousse Interior renovations

BY: Council Chairman Samuel Fruscione

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Paul A. Dyster, as Mayor of the City of Niagara Falls, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$300,000 with a City match of \$150,000 from the 2007 Designated Special Project Fund Balance, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Niagara Falls for the interior restoration of the Customhouse and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: GRANT APPLICATION, BUFFALO AVENUE STREETScape PROJECT, 2008-69

Agenda Item #27

Relative to Grant application for Buffalo Avenue Streetscape project
BY: Council Chairman Samuel Fruscione

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Paul A. Dyster, as Mayor of the City of Niagara Falls, is hereby authorized and directed to file an application for funds from the New York State Department of Transportation in accordance with the provisions of through the Transportation Enhancements Program, in an amount not to exceed \$2,500,000 with a City match of \$554,000 from the 2007 Designated Special Project Fund Balance, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Niagara Falls for the generalized streetscaping of the Buffalo Avenue Heritage District to include Third Street North, Fourth Street North, Sixth Street North and Holly Place/Riverside Drive.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: AMENDING CODIFIED ORDINANCE 1306.04 OFFICIAL ZONING MAP, 2008-

Agenda Item #28

Relative to amendment of the official Zoning Map in section 1306.04 of the codified Ordinances

BY: Council Chairman Samuel Fruscione

WHEREAS, the Niagara Falls Planning Board has received a request to rezone certain property; and

WHEREAS, the Planning Board held a public hearing on such request and has voted to not recommend this change to the City Council; and

WHEREAS, this Council is required to take action on this request.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the boundaries shown on the City's Zoning Map adopted pursuant to Section 1306.04 of the Codified Ordinances, is hereby amended to change the property located at 655 73rd Street, Niagara Falls, New York, and identified as SBL # 160.12-2-86 from its current classification of One Family Residential District (R-1) to General Commercial District (C-2).

Yeas 2
Anderson, Fruscione

Nays 3
Fournier, Robins, Walker

DEFEATED

CITY ADMINISTRATOR'S SALARY

Agenda Item #29

RE: Approval to change start date of increased salary for new City Administrator from July 1, 2008 to July 7, 2008

At your May 5th meeting you approved establishing the salary for the City Administrator at \$110,000, effective July 1, 2008, with the start of employment of the new City Administrator.

Due to the fact that July 1st falls within the middle of a week, it is recommended that the start date and therefore the effective date of the salary increase be changed to July 7, 2008.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved

Yeas 5
Nays 0

APPROVED

LAW DEPARTMENT, POSITION RECLASSIFICATION

Agenda Item #30

RE: Approval to reclassify two Account Clerk positions to Legal Secretary in the Law Department

The Civil Service Commission recently reclassified two clerical positions in the Law Department from Account Clerk to Legal Secretary. This change more accurately reflects the job duties and does not change salary or other benefits for the positions and they remain in the competitive class.

Will the Council amend the 2008 budget to reflect the title change for these two position?

Council Member Fournier moved that the communication be received and filed and the recommendation approved

Yeas

5

Nays

0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:35 p.m.

Carol A. Antonucci
City Clerk



JUNE 30, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the June 30, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr., Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator William J. Bradberry, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of June 16, 2008.

Yeas	5
Nays	0

APPROVED

Mayor Paul Dyster introduced Donna Owens, who will serve as City Administrator beginning July 7.

A representative of Freed, Maxick and Battaglia, gave a presentation on the 2007 Audited City Financials, and alongwith City Controller Maria Brown, responded to the Council Members' questions.

City Administrator William Bradberry welcomed the new Administrator, and thanked the Department Heads for their cooperation in working with him during the past months.

Acting Corporation Counsel Thomas O'Donnell distributed copies of an Item to be added to the Agenda:

A communication relative to an agreement with Empire State Concerts. Chairman Fruscione moved to add the communication to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #17.

City Assessor Dom Penale spoke on Agenda Items #1 and 6, relative to the Tax Rolls and Homestead/Non-Homestead proportions.

This Session ended at 4:40 PM

Chairman Fruscione reconvened the Meeting at 7:04 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Robins and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman announced a Special Order of business, an informational Public Hearing with Mr. Richard Pope, Niagara County Refuse Disposal Director relative to Household Hazardous Waste Collection and Storage.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Jerry Genova	Tourism Board Update
Richard Hoose	Taste of Niagara Festival
David Fabrizio	Veteran's Memorial Committee report

The following was RECEIVED AND FILED:

2008 GENERAL ASSESSMENT ROLL

Agenda Item #1

Re: 2008 General Assessment Roll Taxable Totals

Listed below are the taxable totals of the General Assessment Roll for the City of Niagara Falls, New York, as now constituted and completed by the Board of Assessment Review for the year 2008 and will be filed with the City Clerk on July 1, 2008

Also, attached(on file in City Clerk's office), please find the exemption summary for the 2008 roll.

Total Taxable Assessed Value	\$1,255,092,974
Homestead	\$869,665,540
Non-Homestead	385,427,434
Total	\$1,255,092,974

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

NEW JERUSALEM BOY'S REPORTING CENTER

Agenda Item #2

RE: Approval of \$40,000 funding for New Jerusalem Boy's Reporting Center from previously approved funding for cancelled Community Mission renovation project

The New Jerusalem Boy's Reporting Center has requested that the City provide funding to assist the organization in carrying out its program for the remainder of 2008. The Boy's Reporting Center currently receives funding from the Niagara County Department of Social Services. They also utilized approximately \$28,000 of unexpended CDBG funds that carried over from 2007 for the first few months of 2008. However, if additional funding is not secured the continued operation of the program could be jeopardized. The Boy's Reporting Center has been recommended and supported by law enforcement officials, judicial courts, the probation department and various community leaders.

Based on the foregoing, it is our recommendation that \$40,000 in 2007 CDBG funds previously allocated to the Community Missions for the renovation of a neighborhood facility be re-programmed for use by the Boy's Reporting Center. Community Missions has indicated that the project they originally proposed has been cancelled, at least for the immediate future. They have been informed that they may re-apply for funding if the project resurfaces.

If Council approves this \$40,000 transfer, funding would be made available immediately to the Boy's Reporting Center, pursuant to the terms of a revised funding agreement to be executed with the City. Will Council vote to so approve the re-programming of \$40,000 in CDBG funds from budget code CPI025 (Community Missions Facility) to CPS023 (New Jerusalem Boy's Reporting Center) and authorize the Mayor to execute the required grant agreement?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: BOBCAT OF BUFFALO, UTILITY WORK TRUCKS

Agenda Item #3

RE: Approval of Bid #18-08 for Utility Work trucks from Bobcat of Buffalo for a total of \$91,250.00

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

TO: Bobcat of Buffalo
6511 South Transit Road
Lockport, NY 14094

FOR: Two (2) 4x4 work machines:	\$36,500.00 ea.	\$73,000.00
Two (2) buckets:	778.00 ea.	1,556.00
Two (2) spreaders:	4,509.00 ea.	9,018.00
One (1) snowblower (74.5" width):		5,391.00
One (1) snowblower (62.5" width):		3,116.00
One (1) angle broom		3,169.00
Trade-in of one (1) Case Skidsteer		\$ -4,000.00
TOTAL:		\$91,250.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Six (6) vendors. The above referenced company submitted the only bid.

Funds for this expenditure are available in the 2008 Capital budget code: H0820.2008.0820.0230.000.

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: KUSTOM SIGNALS, INC., DIGITAL PATROL CAR VIDEO CAMERA SYSTEM

Agenda Item #4

RE: Approval of Bid #10-08 with Kustom Signals, Inc. for digital patrol car video Camera system in the amount of \$75,728.00

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

TO: Kustom Signals, Inc.
9235 Pflumm Road
Lenexa, KS 66215

FOR: Fifteen (15) car mounted video recording systems:	\$4,715.00 ea.	\$70,725.00
Fifteen (15) extended warranties:	300.00 ea.	4,500.00
One (1) DEMM Express:		400.00
One (1) External digital eyewitness NxTHDD receiver:		\$ 103.00
TOTAL:		\$75,728.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Seven (7) vendors. The above referenced company submitted the only bid.

Funds for this expenditure are available from New York State Homeland Buffer Protection grant code S3120.2871.0250.000 (\$37,823.00) and from the Niagara County DWI funding code: S3120.2760.0250.000 and 0446.007 (37,905.00).

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: EMERLING FORD, FULL SERVICE TIRE TRUCK

Agenda Item #5

RE: Approval of Bid #16-08 with Emerling Ford for a full service Tire truck in the amount of \$70,275.00

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

TO: Emerling Ford
PO Box 69
Springville, NY 14141

FOR: One (1) 2008 Model Ford Super Duty F-550
cab & chassis with a Jomac tire service body: \$70,275.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Thirteen (13) vendors. Three (3) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in the 2008 Capital budget code: H0820.2008.0820.0230.000.

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

HOMESTEAD & NON-HOMESTEAD ADJUSTED BASE PROPORTIONS

Agenda Item #6

RE: Approval to certify Homestead & Non-Homestead Adjusted Base proportions

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify, to the New York State Office of Real Property Services, the attached referenced proportions.

The proportions certified will determine the class tax shares for the 2008-2009 school district tax levy and the 2009 city tax levy.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached (on file in City Clerk's Office) adjusted base proportions?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: N.F. VETERANS MEMORIAL COMMISSION CORPORATION, FUNDING

Agenda Item #7

RE: Approval of funding agreement with N.F. Veterans Memorial Commission Corporation in the amount of \$7,000

The Niagara Falls Veterans Memorial Commission Corporation has requested funding in the amount of \$7,000 from the City, as set forth on the attached letter.

Funding is included in the 2008 City Council budget.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: N.F. CRUISERS CAR CLUB, FUNDING

Agenda Item #8

RE: Approval of funding agreement with N.F. Cruisers Car Club in the amount of \$1,000

The Tourism Advisory Board has recommended that the Niagara Falls Cruisers Car Club receive an appropriation of \$1,000 in support of its activities during 2008. Funding will come from the 2006 Tourism Fund balance.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT AMENDMENT: NIAGARA SUMMER FINE ARTS PROGRAM, LASALLE BLUES FESTIVAL

Agenda Item #9

RE: Approval to amend agreement with Niagara Summer Arts Program to include \$4,000 for LaSalle Blues Festival 2008

It is proposed that the agreement with Niagara Summer Fine Arts Program be amended to add the attached proposal for the LaSalle Blues Festival 2008. Funding will come from the 2006 Tourism Fund balance.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: N.F. WATER BOARD, BILLING & COLLECTION SERVICES

Agenda Item #10

RE: Approval to amend operations agreement with the Water Board to provide certain billing & collection services

The City and the Water Board have reached agreement to have the City continue to provide certain billing and collection services for the Water Board as set forth in the attached letter.

These terms will be incorporated in a second amendment to the operations agreement between the City and the Board.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY CORPORATION COUNSEL

CLAIM: CALANDRELLI, ERNEST W.

Agenda item #11

RE: Approval to settle and pay claim of Ernest W. calandrelli in the amount of \$1,994.70

Date Claim Filed: April 10, 2008
Date Action Commenced: N/A
Date of Occurrence: January 30, 2008

Location: Across from 477 18th Street, Niagara Falls, NY

Nature of Claim: Damaged caused by city tree
Status of Action: Claim stage.
Recommendation: Best interests of City to pay claim.
Amount to be Paid: \$1,994.70
Make Check Payable to: Ernest W. Calandrelli
Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: DALOISE, NICK A.

Agenda Item #12

RE: Approval to settle and pay claim of Nick A. Daloise in the amount of \$957.96

Date Claim Filed: March 26, 2008
Date Action Commenced: N/A
Date of Occurrence: March 9, 2008
Location: At or near 639 15th Street, Niagara Falls, NY

Nature of Claim: Automobile Damage
City Driver: William C. Wilson
Status of Action: Claim stage.
Recommendation: Best interests of City to pay claim.
Amount to be Paid: \$957.96
Make Check Payable to: Nick A. Daloise
Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: COLLINS, TODD A.

Agenda Item #13

RE: Approval to settle and pay claim of Todd A. Collins in the amount of \$700.00

Date Claim Filed	April 14, 2008
Date Action Commenced:	N/A
Date of Occurrence:	March 08, 2008
Location:	610 30 th Street, NF, NY 14301
Nature of Claim:	Automobile damage sustained in an accident with City Vehicle
City Driver:	Vincent Jackson
Status of Action:	Claim stage.
Recommendation:	Best interests of City to pay claim.
Amount to be Paid:	\$700.00
Make Check Payable to:	Response Insurance Company A/S/O Todd A. Collins
Conditions:	General Release to City, approved by Corporation Counsel.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE ASSESSOR

N.F.SCHOOL DISTRICT 2008-09 TAX LEVY

Agenda Item #14

RE: Approval of Locally adjusted proportions for the N.F. School District 2008-09 Tax Levy

In accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and Section 1903-4© of the Real Property Tax Law, I have calculated the locally adjusted proportions for the Niagara Falls School District 2008-09 tax levy.

School District

Homestead	69.94248
Non-Homestead	30.05752

As a reference, the 2007 Locally Adjusted Proportions for the school district were as follows:

Homestead	67.82695
Non-Homestead	32.17305

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE PLANNING BOARD

RECEIVED AND FILED

Agenda Item #15

RE: Denial of request to abandon portion of fourth Street adjacent to 328 Niagara Street

RECOMMENDATION TO CITY COUNCIL
Abandonment of Portion of Fourth Street adjacent to 328 Niagara Street

Pursuant to action taken by the Niagara Falls Planning Board on the 28th day of May 2008, your request is hereby **denied**.

NAME OF AGENT: City of Niagara Falls

ADDRESS OF ACTION: Portion of Fourth Street adjacent to 328 Niagara Street

PURPOSE: Construction of a Permanent Structure adjacent to the building housing a second floor patio

This application is hereby denied.

RESOLUTION: PUBLIC HEARING, ABANDONMENT, 2008-

Agenda item #16

Relative to calling for a public Hearing on the abandonment of a portion of Fourth Street adjacent to 328 Niagara Street

BY: Council Chairman Samuel Fruscione

WHEREAS, the adjoining property owner has requested the abandonment of a ten foot wide portion of Fourth Street adjacent to 328 Niagara Street; and

WHEREAS, the Planning Board has recommended to Council that this request not be approved; and

WHEREAS, this Council declares its intention to abandon said street portion.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that a public hearing be held relative to the abandonment of the aforementioned street portion, said public hearing to be held at a meeting of the Council to be held in the Council Chambers in City Hall on July 14, 2008 at 7:00 p.m. Eastern Daylight Time and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said street portion in the official newspaper once a week for two successive weeks preceding July 14, 2008

This item was pulled from the agenda. No action was taken.

CONTRACT: EMPIRE STATE CONCERTS, EDDIE MONEY CONCERT

Agenda Item #17

RE: Approval of agreement with Empire State Concerts for Eddie Money Concert

The City has received a proposal to sponsor a Eddie Money concert in downtown Niagara Falls on August 23, 2008. the cost is \$33,000, which includes the talent, production, labor, generator and producing.

Funding is available in the 2008 Tourism Fund balance.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:22 p.m.

Carol A. Antonucci
City Clerk



JULY 14, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the July 14, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens and CD Counsel Richard Zucco.

Council Member Walker moved to approve the Minutes from the City Council Meeting of June 30, 2008.

Yeas	5
Nays	0

APPROVED

John Percy of the Niagara Tourism and Convention Corporation gave a presentation of the Agency's activities for the past year.

In her Administrative Update, City Administrator Donna Owens reported that she intends to hold weekly staff meetings with Department Heads. She apprised the Council of a recent incident on 70th Street where a house had to be boarded up and treated for flea infestation. She asked Public Works Director David Kinney to give an update on his Department. Mr. Kinney reported that the pothole killer machine was a huge success, and was able to fill approximately 16,000 potholes a week for the 9 weeks that the City had the use of the machine. Also, the Department has paved 12 streets, 4 streets have been milled and Frontier Avenue will be finished tomorrow. Council Member Robins noted that the golf course is in the best shape it has been for the last 20 years, and Mr. Kinney added that revenue from the course is up \$53,000 over the same time frame last year.

Police Administrative Captain John DeMarco spoke about issues on Third Street, and asked the Council's support to fund additional patrols in the area.

Mayor Paul Dyster spoke on Agenda Item #14, relative to declaring 2009 the Year of Shared Waters in the Bi-National Niagara Area, and Council Member Walker suggested that funds be put into the 2009 Budget for the activities that will be associated with this next year.

CD Counsel Richard Zucco distributed copies of two Items to be added to the Agenda:

1. A communication relative to a budget amendment to add an operating engineer to the Public Works budget for the balance of the construction season.

Council Member Robins moved to add the communication to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #15.

2. A communication relative to a budget amendment to add \$500,000 from fund balance to the outside legal services line in the Corporation Counsel's budget to retain Counsel with expertise in Casino issues.

Council Member Robins moved to add the communication to the Agenda.
Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #16.

Council Member Walker inquired about the status of the City Hall roof repairs (Agenda Item 3#), and Civil Engineer Robert Buzzelli responded.

Council Member Robins asked Purchasing Agent Dean Spring about the status of the arrival of equipment that has been ordered, and Mr. Spring replied that most of the equipment will arrive by September. He also reported that bids overall for capital purchases were below budget.

This Session ended at 4:45 PM

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Ron Anderluh	Agenda Item #7
Ken Hamilton	Agenda Item #4
Ron Anderluh	Gill Creek Park
Ken Hamilton	Center Court Park

The following was RECEIVED AND FILED:
Agenda Item #1
Claims Report for June, 2008.

The following was RECEIVED AND FILED:
Agenda Item #2
City Clerk's report for June, 2008

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SANDERS & SONS, CHANGE ORDER #1, CITY HALL ROOF

Agenda Item #3

RE: Approval of change order #1 in the amount of \$6,953.00 to contract with Sanders & Sons for City Hall roof repairs

A contract for the above referenced project was awarded to Joseph A. Sanders & Sons on September 12, 2006 in the amount of \$248,380.00.

Subsequent to the start of this project and during the course of work, the contractor encountered extra work beyond the initial scope of this contract. The areas of work that required additional expenditures were mainly caused by the age and deteriorated conditions of the existing roof. They were reviewed by the Engineering Department and found acceptable, deemed necessary, and the cost associated with the extra work is appropriate.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of \$6,953.00; increasing the contract total to \$255,333.00. Funding for these services is available under Capital Code H0711.2007.0711.0449.599, originally appropriated for this project.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

BUDGET TRANSFER: URBAN RENEWAL AGENCY

Agenda Item #4

RE: Approval to transfer additional \$115,500 in casino funds to N.F. Urban Renewal Agency for approved loans/grants

In December, 2007, the City Council authorized a transfer of \$375,000 of the casino revenues allocated to the Niagara Falls Urban Renewal Agency. The transfer was to fund loans in a loan/grant fund administered by N.F.C. Development Corp.

Commitments for two of the loans (Players and Niagara Metals) have expired. The Players loan (\$25,000) was re-authorized as a grant in the new round, and Niagara Metals (\$120,000) may be re-visited by NFC in the future.

N.F.C approved the following new grants and loans:

Player's Grant (new):	\$ 30,000
Stadium Grill Grant (new):	\$ 20,500
Michael's Restaurant Grant (new):	\$ 20,000
Como Restaurant Grant (new):	\$ 30,000
Advance Care PT Grant (new):	\$ 50,000
Caffe Lola Grant (new):	\$ 55,000
Caffe Lola Loan (new):	\$ 55,000
TOTAL	<u>260,500</u>

These loans and grants can be funded from the \$145,000 previously authorized and expired, plus an additional \$115,500. Funds will remain on deposit with the City Controller earning interest until the time of transfer. Funds will be transferred when the loans or grants are ready to be disbursed. This action will authorize the City Controller to transfer funds when requested.

Will the Council vote to approve the transfer to Niagara Falls Urban Renewal Agency of an additional \$115,500 casino revenues for the purposes and as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: VALLEY FAB & EQUIPMENT, INC.:MATERIAL SPREADER

Agenda Item #5

RE: Approval of Bid #19-08 for material spreader to Valley Fab & Equipment. In the amount of \$22,556.75

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

TO: Valley Fab & Equipment, Inc.
9776 Trevett Road
PO Box 380
Boston, NY 14025

FOR: One (1) hopper type stainless steel material spreader with hook lift underframe: \$22,556.75

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to seven (7) vendors. Two (2) bids were received. Snowfighting Equipment & Consultants of Buffalo, Inc. submitted a bid of \$34,580.00.

Funds for this expenditure are available in the 2008 Capital Budget code: H0822.2008.0250.000.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: FAMILY & CHILDREN'S SERVICE OF NIAGARA, INC.

Agenda Item #6

RE: Approval of contract with Family & Children's Service of Niagara, Inc. to provide an Employee Assistance program

Attached(on file in City Clerk's Office) is a proposed agreement with Family and Children's Service of Niagara, Inc. to provide an Employee Assistance Program for non-uniform employees of the City of Niagara Falls. Funding is included in the 2008 Budget.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

POLICE DEPARTMENT: BUDGET AMENDMENT, THIRD STREET PATROLS

Agenda Item #7

RE: Approval of budget amendment in the amount of \$45,000 to provide additional police presence in the Third Street area

In order to increase police presence on Third Street it is requested that the budget be amended to provide an additional \$45,000, represents \$35,280 of wages plus fringe benefits. This funding will provide for increased police presence beginning with the July 4th weekend and continuing through the year

Funding is available in account A. 1990.7590.0449.599.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

MAINTENANCE CREW & CLEAN NEIGHBORHOOD TEAM, FUNDING

Agenda Item #8

RE: Approval to appropriate \$60,000 in Casino funds to provide an additional Downtown maintenance crew and City-wide Clean Neighborhood team

In response to increased need it is recommended that an additional downtown mall maintenance crew and an additional clean neighborhood team be formed.

Total funding in the amount of \$60,000 is requested. This will pay the salaries and purchase approximately \$6,600 of additional equipment needed to properly operate these teams. It is recommended that the funding be appropriated by casino funds

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

AFRICAN AMERICAN FAMILY FESTIVAL, FUNDING

Agenda Item #9

RE: Approval to fund \$1,000 for the African American Family Festival from the 2006 Tourism fund balance

The City has been requested by the Niagara Community Center Association, Inc. to participate in the coming African American Family Festival by becoming a sponsor of this festival for \$1,000.

Funding is available in the 2006 tourism fund balance.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

OPERATION IMPACT: POLICE DEPARTMENT

Agenda Item #10

RE: Approval to accept N.Y. State grant for Police department Operation Impact from July 1, 2008 through June 30, 2009

The Niagara Falls Police Department has received an award from the State of New York for \$337,204 for Operation IMPACT during July 1, 2008 through June 30, 2009.

No matching funds are required for this grant.

Will the Council approve the acceptance of this grant and authorize the Mayor and Police Chief to execute any documentation necessary to receive the grant?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY CORPORATION COUNSEL

CLAIM: CAUGHILL, BRIAN & TRACY

Agenda Item #11

Re: Approval to settle and pay claim of Brian K. Caughill for \$3,106.08 and Tracy L. Caughill for \$1,949.30

Date Claim Filed:

(1) February 20, 2008

(2) February 11, 2008

Date Action Commenced:

N/A

Date of Occurrence:

January 6, 2008

Location:

250 65th Street, Niagara Falls, NY

Nature of Claim:

Damage to parked automobile and trailer when struck by City vehicle.

City Driver:

John Petrishin

Status of Action:

Claim stage.

Recommendation/Reason:

Best interests of City to pay claim.

Amount to be Paid:

\$5,055.38

Make Check Payable to:

(1) Brian K. Caughill - \$3,106.08

(2) Progressive Northeastern Insurance Co. a/s/o Tracy L. Caughill - \$1,949.30

Conditions:

General Releases to City, approved by Corporation Counsel.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

RESOLUTION: N.F. MEMORIAL MEDICAL CENTER'S SMOKE-FREE CAMPUS, 2008-70

Agenda Item #12

Resolution in support of Niagara Falls Memorial Medical Center's Smoke-Free Campus

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Chris Robins

WHEREAS: Niagara Falls Memorial Medical Center is an acute care hospital, research and education facility, and is dedicated to the cure, management and prevention of all forms of illness and disease, and

WHEREAS: Niagara Falls Memorial Medical Center is located in Niagara County where the incidence of cardiovascular disease is among the highest in the nation, and

WHEREAS: Niagara Falls Memorial Medical Center is committed to achieving a healthier environment, and as part of their mission, a public mandate to set an example by creating a completely smoke-free campus environment, and

WHEREAS: 440,000 Americans die each year from disease caused by tobacco use, and

WHEREAS: Tobacco use is a leading cause of death from heart disease, stroke and chronic obstructive pulmonary disease (COPD), and

WHEREAS: Smoking of tobacco or any other weed or plant is the number one cause of preventable death within the United States. Secondhand smoke kills 53,000 Americans annually, and

WHEREAS: Niagara Falls Memorial Medical Center believes that prohibiting smoking throughout the campus will also lower the risk of fires across our campus, and

WHEREAS: In accordance with the above, Niagara Falls Memorial Medical Center intends to institute a completely smoke-free campus as of July 20, 2008,

NOW THEREFORE BE IT RESOLVED THAT: The City Council of Niagara Falls recognizes Niagara Falls Memorial Medical Center as a community leader in providing a healthy environment for its staff, patients, visitors and guests, and

BE IT FURTHER RESOLVED THAT: the City supports the designation of all entrances of buildings of Niagara Falls Memorial Medical Center and on any property operated by Niagara Falls Memorial Medical Center be designated as tobacco-free zones for the good and well being of all citizens and patients.

BE IT FURTHER RESOLVED THAT: the City encourages all citizens to respect the tobacco free policy of the Niagara Falls Memorial Medical Center, and to also refrain from the use of tobacco within 250 feet of the Medical Center.

Yeas		4
	Anderson, Robins, Walker, Fruscione	
Nays		1
	Fournier	

ADOPTED

RESOLUTION: NOR-LOC PARK NAMING, 2008-71

Agenda Item #13

Relative to the naming of Nor-Loc Park

BY: Council Member Charles Walker

WHEREAS, on July 1st, 2008, the North End Block Club partnered with the City of Niagara Falls, the State of New York, Niagara University and other local groups to open a new children's park and playground located at North Avenue and Lockport Street; and

WHEREAS, the Park gives kids something to do and a place to go and will also consist of several rides that are handicapped accessible;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls that the park located at the intersection of North Avenue and Lockport Street be named Nor-Loc Park; and

BE IT FURTHER RESOLVED, that the Niagara Falls City Council congratulates all the partners who made Nor-Loc Park a reality.

Yeas		5
Nays		0

ADOPTED

RESOLUTION: YEAR OF OUR SHARED WATERS IN THE BI-NATIONAL NIAGARA AREA, 2008-72

Agenda Item #14

Relative to declaring 2009 the Year of our shared Waters in the Bi-National Niagara Area

BY: All Council Members

WHEREAS, the bi-national Niagara area has a common interest in shared waterways and water stewardship; and

WHEREAS, the International Joint Commission is holding its centenary celebrations in Niagara in 2009, creating focus on the issues that surround water stewardship in Niagara and in the Great Lakes Basin; and

WHEREAS, the 'Niagara 10' recommendations include a proposal to develop a political strategy for building the profile of the cross-border Niagara region. This includes efforts to coordinate water stewardship practices across the Niagara area border.

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council, and the Honorable Paul A. Dyster of the City of Niagara Falls, New York declares 2009 the Year of Our Shared Waters in the bi-national Niagara area.

Yeas 5
Nays 0
ADOPTED

BUDGET AMENDMENT: PARKS & PUBLIC WORKS

Agenda Item #15

RE: Approval of Budget Amendment for DPW to add operating engineer for the balance of the construction season

It is requested that an operating engineer be added to the public works budget for the balance of the construction season. This will allow the Department to operate with greater efficiency with regard to the sidewalk replacement program and other projects that need equipment that is run by an operating engineer.

It is requested that \$24,000 be appropriated from the fund balance as this will cover the costs for approximately twelve weeks including salary and all benefits.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

BUDGET AMENDMENT: LAW DEPARTMENT

Agenda Item #16

RE: Approval to appropriate \$500,000 from fund balance to outside legal services line in Corporation Counsel budget to retain Counsel with expertise in casino issues

In light of last week's Federal Court decision regarding the Seneca Nations' Buffalo Casino I believe that it is prudent for the City to begin the process of retaining Counsel with expertise in Casino issues

Therefore I request that the Council appropriate \$500,000 from fund balance to the outside legal services line in the Corporation Counsel's budget (A1420.0000.0454.599)

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci
City Clerk



JULY 28, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the July 28, 2008 Niagara Falls City Council Meeting was called to order by Acting Council Chairman Chris Robins at 4:07 p.m. in the Council Chambers.

Present: Council Members Steven Fournier, Chris Robins, Charles A. Walker - 3.

Absent: Council Member Robert Anderson, Jr. & Council Chairman Samuel Fruscione - 2

Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of July 14, 2008.

Yeas 3
Nays 0

APPROVED

In the absence of Chairman Fruscione, Council Member Robins acted as Chairman.

David Carr of LiRo Engineers gave a presentation on the Courthouse construction. The construction is on schedule for the building to open in May of 2009, and while there are pluses and minuses in the costs, the costs are slightly over budget. A lengthy discussion followed, and updates will be given to the Council monthly.

Mayor Paul Dyster and Chris Schoepflin of USA Niagara spoke to the Council Members about the impact of giving financial support for the Hotel Niagara renovations.

City Administrator Donna Owens asked Public Works Director David Kinney to report on sidewalk and street projects. He reported that the in-house sidewalk program has addressed 224 square yards, compared to 213 last year. Also, due to rising costs, more funding is needed for street patching materials.

Council Member Robins inquired about the progress of the Lewiston Road Project, and Civil Engineer Robert Buzzelli said that funding issues are slowing the progress of the project.

The City Administrator also reported that she was working on forming a Special Events Task Force to facilitate the process for those who wish to hold festivals, etc. in the City.

Acting Corporation Counsel Thomas O'Donnell said that the Mayor had pulled Agenda Item #16, relative to the position of Director of Economic Development. Mayor Dyster then spoke on his choice of the candidate to fill this position.

Council Member Robins asked about the need for a structural assessment of the property at 3123 Highland Avenue (Agenda Item #1), and Senior Planner Thomas DeSantis said that brownfield remediation was needed for this property, and the assessment would help in determining the extent of the remediation.

Council Member Robins inquired about purchases under the Capital Plan (Agenda Item #7), and Purchasing Agent Dean Spring responded that this would take care of the purchases for Public Works, but there were still more purchases for the Police and Fire Departments. Also, the bids that have been received have been under budget overall.

Council Member Walker had questions about Agenda Item #14, relative to a Memorandum of Understanding with CSX, and Mr. O'Donnell responded. The Mayor commended Mr. O'Donnell for his work with CSX.

CD Legal Counsel Richard Zucco thanked the Council for honoring his late wife (Agenda Item #21), relative to Carolyn VanSchaik), and Mayor Dyster spoke of his own interactions with Carolyn when he was looking at homes on Orchard Parkway.

This Session ended at 5 PM

Acting Chairman Robins reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present except Chairman Fruscione. Acting Council Chairman Robins said the prayer and led the gathering in the Pledge of Allegiance to the Flag.

The Acting Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Lisa Vitello	Agenda Item #17
Ken Walsh	Agenda Item #17
Dan Vecchies	Agenda Item #17
Ken Hamilton	Agenda Item #1 & #18
Norma Higgs	Crime Night Out
Ken Hamilton	Hotel Niagara project

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FRA ENGINEERING, 3123 HIGHLAND AVENUE ASSESSMENT

Agenda Item #1

RE: Approval of contract with FRA Engineering for a structural assessment of 3123 Highland Avenue at a maximum of \$12,000

The administration has been exploring development or 3123 Highland Avenue, a City-owned structure which is also known as the Power City Distribution Warehouse. In order to evaluate future use of the property, we need a better idea of the structural condition of the buildings.

We solicited proposals from engineering firms for a structural assessment of the property. We received the following quotes:

FRA Engineering, P.C (A Tylin Company)	\$12,000.00
Nussbaumer & Clark, P.C.	14,600.00
Liro Engineers, Inc.	19,000.00

We recommend the FRA Engineering proposal. FRA Engineering was the lowest quote. FRA Engineering has done similar work for the City in the past, and is well-qualified to perform the structural assessment. The contract will be a fixed-fee contract with a \$12,000.00 maximum, including all disbursements, travel and related costs. The contract will provide for delivery of the final report 5 weeks from the order to proceed.

Funds are available to pay for this structural assessment in budget line H0404E, 2003 Casino Revenues - Planning.

Will the Council vote to approve hiring FRA Engineering for the structural assessment of 3123 Highland Avenue as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	Fournier, Robins, Walker	3
Nays	Anderson	1

APPROVED

CONTRACT: ALTEC INDUSTRIES, INC., OVER CENTER AERIAL TRUCK

Agenda Item #2

RE: Approval of Bid #22-08 with Altec Industries, Inc. for 70' over center aerial truck in the amount of \$137,463.00

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

TO: Altec Industries, Inc.
1550 Aerial Avenue
Creedmore, NC 27522

FOR: 70 ft. Hydraulic articulating over center aerial device with chassis:
\$143,463.00

Less trade-in of 1995 Teco Model #55-5012 P-2TFS1
aerial device mounted on a GMC chassis:

-6,000.00

TOTAL:

\$137,463.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) companies. Two (2) bids were received.

In addition to the above referenced company, a bid was also received from R.B. U'Ren Equipment Rental, Inc. (\$173,100.00 less the trade-in of \$3,000.00).

Funds for this expenditure are available in the 2008 Capital Budget code: H0820.2008.0820.0230.000.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

4

Nays

0

APPROVED

CONTRACT: HUNTER BUFFALO PETERBILT, DUMP TRUCKS WITH PLOWS

Agenda item #3

RE: Approval of Bid #25-08 with Hunter Buffalo Peterbilt for 2 single axle dump trucks with plows in the amount of \$254,303.00

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

TO: Hunter Buffalo Peterbilt
2370 Walden Avenue
Buffalo, NY 14225

FOR: Two (2) Peterbilt Model 340 single axle dump trucks with a Beau Roc dump body and Viking-Cives plow and hitch:

\$127,151.50 ea. \$254,303.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to ten (10) vendors. Two (2) bids were received. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the 2008 Capital code: H0820.2008.0820.0230.000.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

4

Nays

0

APPROVED

CONTRACT: STS TRAILER & TRUCK EQUIPMENT, DUMP BODIES

Agenda Item #4

RE: Approval of Bid #26-08 with STS Trailer Equipment for 2 16' Dump bodies in the amount of \$34,400.00

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

TO: STS Trailer & Truck Equipment
590 Elk Street
Buffalo, NY 14210

FOR: Two (2) 16' dump bodies with hook lift

A-frame mounted to body: \$17,200.00 ea.
\$34,400.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to twelve (12) vendors. Two (2) bids were received. The above referenced company submitted the lowest price. A bid was also received from Valley Fab & Equipment, Inc. (\$17,798.50 ea., \$35,597.00 total).

Funds for this expenditure are available in the 2008 Capital code: H0822.2008.0822.0230.000.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

CONTRACT: UNITED MATERIALS, LLC, CONCRETE

Agenda Item #5

RE: Approval of Bid #24-08 with United Materials, LLC for concrete

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

TO: United Materials, LLC
3949 Forest Parkway
Suite 100
North Tonawanda, NY 14120

FOR: Concrete 3500 PSI, ASTM size 7: \$93.24/c.y.
Concrete 3500 PSI, ASTM size 67: 93.24/c.y.
Concrete 4000 PSI ASTM size 7: 95.76/c.y.

Plus additional charges as shown on the attached tally sheet.

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to two (2) vendors. Two bids were received. The above referenced company submitted the lowest prices for each respective item.

Funds for these expenditures are available in various departments Construction/Repair Materials code: .0419.006.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

CONTRACT: JOE JOHNSON EQUIPMENT (USA) INC.& ODB, SWEEPER PARTS

Agenda Item #6

RE: Approval of Bid #23-08 with various companies for street sweeper parts

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

TO: Joe Johnson Equipment (USA) Inc.
77 Oriskany Dr.
Tonawanda, NY 14150

FOR: Items 3 - 8 per the attached tally sheet.

TO: ODB
5118 Glen Alden Drive
Richmond, VA 23231

FOR: Item 1, 2 and 9 - 13 per the attached tally sheet.

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (5) vendors. Four (4) bids were received.

The above referenced companies submitted the lowest bids for each respective item.

Funds for this expenditure are available in the Department of Parks & Public Works, Street Cleaning code: A8170.0000.0419.005

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

CONTRACT: SNOWFIGHTING EQUIPMENT & CONSULTANTS OF BUFFALO, INC., LEAF COLLECTOR/BRUSH CHIPPER

Agenda Item #7

RE: Approval of Bid #27-09 with Snowfighting Equipment & Consultants of Buffalo, Inc. for a leaf collector/brush chipper at a cost of \$39,943.00

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

TO: Snowfighting Equipment & Consultants of Buffalo, Inc.
PO Box 126 South Side Station
Buffalo, NY 14220-0126

FOR: One (1) 25 cubic yard combination leaf collector and brush chipper collection body with hook lift under-frame: \$39,943.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to three (3) companies. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the 2008 Capital code: H0822.2008.0822.0250.000.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

CONTRACT: NIAGARA UNIVERSITY, ENTREPRENEURIAL SCHOOL

Agenda Item #8

RE: Approval of agreement with Niagara University for the N.F. Entrepreneurial School

Enclosed(on file in City Clerk's office) please find a proposed Agreement between the City and Niagara University for the Entrepreneurial School. The source of funding is the State Grant which appears elsewhere on your Agenda.

Will the Council so approve and authorize the Mayor to execute the attached Agreement?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

STATE AIDE TO LOCALITIES GRANT, ENTREPRENEURIAL TRAINING PROGRAM

Agenda Item #9

RE: Approval to accept State Aide to Localities grant for \$25,000 for Entrepreneurial Training program

The City has received a \$25,000.00 grant in the fiscal year 2008-2009 budget for the continuation of the Entrepreneurial Program.

Will the Council approve the acceptance of the grant and authorize the Mayor to execute the State grant agreement and related documents?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

ONTARIO HOUSE JAZZ REUNION, FUNDING

Agenda Item #10

RE: Approval to fund an additional \$7,580 from Tourism Fund for the Ontario House Jazz Reunion

The City is once again helping to sponsor the Ontario House Jazz Reunion. Funding comes from the Tourism Fund.

Attached(on file in City Clerk's Office) is the budget (including the \$10,965.00 previously approved by Council for the headliner).

Will the Council authorize payment of \$7,580.00 for the expenses listed and authorize the Mayor to execute any necessary agreements in a form acceptable to the Corporation Counsel?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

BUDGET AMENDMENT: FIRE DEPARTMENT CONTRACTUAL RAISES

Agenda Item #11

RE: Approval to appropriate \$123,181.00 from Fund Balance to cover shortfall in Fire Department budget due to contractual obligations not finalized in time for 2008 Budget

The contract with the firefighters was not finalized prior to the adoption of the 2008 Budget. The additional cost for salaries and all fringe benefits as a result of this agreement is \$123,181.00.

Will the Council vote to appropriate this amount from Fund Balance to cover the shortfall in the Fire Department?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

VACATION CASH CONVERSION: POLICE DEPARTMENT

Agenda Item #12

RE: Approval to appropriate \$21,564.00 from Fund balance to cover Police department Vacation Cash Conversion not covered in 2008 Budget

The 2008 budget did not include vacation cash conversion for 3 Police Officers whose forms were received after the budget deadline.

In the future, any request for vacation cash conversion not received by the deadline will be denied.

Will the Council appropriate \$21, 564.00 from the Fund Balance to cover this short fall?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

HOTEL NIAGARA RESTORATON GRANT

Agenda Item #13

RE: Approval of \$500,000 grant of casino funds for capital renovations to the Hotel Niagara to the Amidee capital Group, LLC

Last year, Amidee Capital Group, LLC purchased the Hotel Niagara. They plan to restore the historic structure and operate a boutique hotel. The Hotel Niagara, with the United Building and the Jefferson Apartments, are the only remnants downtown of the architecture of the 1920's and earlier that many of us remember so fondly.

Attached(on file in City Clerk's Office) is a brief narrative summarizing the restoration project, which includes the creation of substantial construction jobs and over 100 full time and 100 seasonal part time jobs. USA Niagara/Empire State Development Corp. has offered a \$3.5 Million incentive package. We have been asked to provide a \$500,000 grant for the restoration costs.

The project qualifies under the neighborhood revitalization and economic development criteria of State Finance Law 99-h for the expenditure of the annual casino revenues. This project is a major addition to the downtown development mix. The Hotel Niagara was deteriorating from years of neglect, and which the City was in danger of losing.

Grant funds will be disbursed for capital renovation costs. The grantee must submit the standard proof of payment of property taxes, authorization to do business in New York State, etc. In addition, the grantee must demonstrate the availability of the grants, loans and equity necessary to complete the project. The project must be complete by December 31, 2009. Finally, the grantee must agree that the property will remain on the tax rolls for at least ten years (with the standard exemptions available for the renovations).

Will the Council vote to approve the \$500,000 grant of casino revenues as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

Council Member Walker said that this is what Casino Dollars were meant to do.

MEMORANDUM OF UNDERSTANDING, CSX

Agenda Item #14

RE: Approval of Memorandum of Understanding with CSX relative to new train station and Lewiston Road reconstruction project

Attached(on file in the City Clerk's Office) is a proposed Memorandum of Understanding with CSX relative to the new transportation/passenger train station and the Lewiston Road reconstruction project.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

CHAPTER 171 OF THE CITY'S CODIFIED ORDINANCES

Agenda Item #15

RE: Approval to repeal the current language contained in Chapter 171 of the Codified ordinances and adopt a new Chapter 171 entitled "Benefits of employees not covered by Collective Bargaining Agreements"

Please be advised that, for sometime, the Administration has been working on an update of the aforementioned chapter of the City's Codified Ordinances. Consistent with those efforts, the attached (on file in City Clerk's Office) has been submitted for your information and review.

The new Chapter 171, reorganized and updated, features many language changes which would necessitate a repeal of the Chapter's current language. The primary substantive changes, based on the concepts of equity and fairness, were to bring exempt employee benefits in line with that of the City's unionized workforce. This is principally reflected in the areas dealing with workers' compensation, longevity increments, sick leave and severance pay. Please note that any enhancement in these areas are at levels no greater than those previously enjoyed by the City's unions.

Further, the new language that is reflected in the areas of health and dental insurance highlight the City's recent changes with its health care provider and the level of benefits contained in the current memorandum of agreement on health care. Additionally, changes regarding the use of compensatory time will bring the City in compliance with Federal Fair Labor Standards.

Section 171.13, entitled "Recruitment Incentives", has been supplemented in the attached (on file in City Clerk's Office) proposal in order to enhance the City's efforts in the recruitment of qualified individuals for various positions within the Administration, specifically department heads. Please note that this proposed Chapter also includes changes with regard to the entitlement of elected officials to certain fringe benefits after retirement from the City.

Will the Council vote to repeal the current language contained in Chapter 171 of the City's Codified Ordinances and adopt a new Chapter 171 which will be entitled "Benefits of Employees not covered by Collective Bargaining Agreements"?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas		3
	Fournier, Robins, Walker	
Nays		1
	Anderson	

APPROVED

DIRECTOR OF ECONOMIC DEVELOPMENT, FUNDING

Agenda Item #16

RE: Approval to amend the 2008 budget to create funding for Director of Economic Development at a salary of \$100,000 with \$60,000 from City funds and the balance from the Community Foundation for Greater Buffalo's Build a Better Niagara Fund

As the Council is aware, one of the positions that the administration has been seeking to fill is the Director of Economic Development. The Charter currently has Economic Development as part of the Department of Planning, Economic Development and Environmental Services and has a Director position. The 2008 budget did not provide funding for this position.

The City has found a candidate for this position and would request that the Council amend the 2008 budget by setting a salary for this director position at \$100,000 annually. On an annual basis, \$60,000 of this funding would come from City funds and the balance from the Community Foundation for Greater Buffalo's Build a Better Niagara Fund.

Will the Council vote to amend the 2008 budget by creating this position and appropriate from the contingency fund the amount necessary to fund the City's portion of the salary for the balance of the year, together with related benefits?

THIS ITEM WAS PULLED- NO ACTION WAS TAKEN

2008 N.F. BLUES FESTIVAL, FUNDING

Agenda Item #17

RE: Approval of agreements relative to the 2008 N.F. Blues Festival for a total of \$15,300 from the tourism Line
Please find the following list of agreements related to the 2008 Niagara Falls Blues Festival:

1. Downchild Blues Band - performer - \$4,500.
2. Jimmy Thackery- performer - \$4,500.
3. The Rockin' Jake Band - performer - \$1,800.
4. Dave Viterna - performer - \$300.
5. Filter Kings - performer - \$300.
6. The Electras - performer - \$300.
7. The Junkyard Dogs - performer - \$300.
8. Harmonica Dean and Juke Box Scales - performers - \$200.
9. Custom Tent Rental - tent - \$1,000.
10. Mary McCarthy - lighting - \$300.
11. Cataract Sound - sound system - \$750.
12. R.B. U'Ren Equipment - generator - \$450.
13. Gus Posey and Michael Kudela - promotions - \$600.

The total of these agreements would be \$15,300 and funding of the same would come from budget line T.6410.0000.0449.070.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0

APPROVED

Council Member Robins congratulated those who put this together.

CONTRACT: MARK CERRONE, INC., BASKETBALL COURT

Agenda Item #18

RE: Approval of contract with Mark Cerrone, Inc. for new basketball court at City Playground at Lockport St. & North Ave.

The following was the result of bids received on July 21, 2008, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Mark Cerrone, Inc. 2368 Maryland Ave. Niagara Falls, NY 14305	\$ 52,518.20
Yarussi Construction, Inc.	\$ 57,700.00
Armand Cerrone, Inc.	\$ 63,850.00
Valery Contracting, Inc.	\$ 81,620.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Mark Cerrone, Inc., at their Base Bid of \$52,218.50. Funding is available in Community Development Code CPW068 of \$40,000.00. The additional balance of \$12,218.50 will be transferred from Funding Code CRP966.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	2
Nays	2
Robins, Walker	
Anderson, Fournier	

NOT APPROVED

Council Members Anderson & Fournier said that there are too many small children that use the park; Council Members Robins & Walker said that the courts belong in the park.

RESOLUTION: GERALD J. "JERRY" D'AMICO, HONORING, 2008-73

Agenda Item #19

Relative to honoring the memory of Gerald J. "Jerry" D'Amico

BY: All Council Members

WHEREAS, on Thursday, July 17th, 2008, Jerry D'Amico passed away at the age of 74; and

WHEREAS, Mr. D'Amico became the proprietor of D'Amico Music, a local landmark on Pine Avenue in Niagara Falls, New York for over 35 years. The music store was also a haven for ticket sales, and music lessons; and

WHEREAS, Mr. D'Amico was also a booking agent for local performances including the late local guitarist Tommy Tedesco, singer Donna Summer and local bands including China White.

WHEREAS, Mr. D'Amico played the saxophone and later on piano and keyboards. He performed with many notable musicians in Machine, The Jerry D'Amico Group and his band Brimstone that had tenure for over 20 years;

WHEREAS, in 2001, Mr. D'Amico received the Pine Avenue Business Association's Biggest Asset Award and in 2004, he received the NAMMA Molson Music Award becoming an inductee into their Hall of Fame.

NOW THEREFORE BE IT RESOLVED, by the Niagara Falls City Council along with Mayor Paul Dyster, that we recognize the accomplishments of Mr. Jerry D'Amico and recognize that he will be sorely missed by everyone who had the opportunity to know him and to hear the sounds of his musical talents.

Yeas 4
Nays 0

ADOPTED

RESOLUTION: STOCKHOLM WATER PRIZE, NOMINATION, 2008-74

Agenda Item #20

Relative to the nomination of the International Joint Commission for a Stockholm Water Prize

BY: Council Chair Sam Fruscione

WHEREAS the International Joint Commission (IJC) has existed to oversee the implementation of the Boundary Waters Treaty (1990) between Canada and the U.S.; and

WHEREAS the Boundary Waters Treaty will celebrate 100 years of continuous force and effect governing water resource management along the Canada-U.S. border; and

WHEREAS the Stockholm Water Prize suitably recognizes institutions (among others) for outstanding water-related activities; and

WHEREAS the IJC represents a model of governance for international water stewardship goals.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, along with Mayor Paul A. Dyster, take the lead in nominating the International Joint Commission for the 2009 Stockholm Water Prize and take steps to secure endorsement from other relevant actors for the nomination of the International Joint Commission, i.e., the Great Lakes St. Lawrence Cities Initiative (GLSLCI), Association of Municipalities of Ontario (AMO); and local municipalities on both sides of the border.

Yeas 4
Nays 0

ADOPTED

Agenda Item #21

Relative to declaring August 13th Carolyn Van Schaik Day

BY: All Council Members

WHEREAS, on August 13th, 2008, the Main Street Business & Professional Association is staging its "Sixth Annual Carolyn Van Schaik Memorial" at the Hyde Park Golf Course; and

WHEREAS, this is an occasion which brings together many area residents for a one-time charitable cause - the revitalization of Main Street; and

WHEREAS, Carolyn was the chief author of the "Ten Year Community Revitalization Plan for Main Street" and a dynamic catalyst for the betterment of the City of Niagara Falls; and

WHEREAS, Carolyn was a board member of the Main Street Business & Professional Association who lost her life in a tragic automobile accident six years ago. A portion of the proceeds from the Memorial event will go toward the Van Schiak/Zucco Family's charitable bequest - namely "Carolyn's House." Carolyn was instrumental in obtaining government funding for the program and helped design the concept for Carolyn's House. The facility includes 10 apartments and, in addition, provides educational life skills and employment services, as well as a Culinary Arts Job Training program; all designed to promote self sufficiency for women and children in the community.

NOW THEREFORE BE IT RESOLVED, by the Niagara Falls City Council along with Mayor Paul A. Dyster, that we recognize the accomplishments of Carolyn Van Schaik and proclaim Wednesday, August 13th, 2008 as **CAROLYN VAN SCHAIAK DAY** in the City of Niagara Falls, New York

Yeas

4

Nays

0

ADOPTED

BUDGET AMENDMENT: DPW

Agenda Item #22

RE: Approval of budget amendment for DPW in the amount of \$28,000 from Casino Funds for materials to continue street patching project

Previously this year, the Council provided additional funds for personnel so the street patching program could continue while the street repaving and sidewalk construction programs are in operation.

Due to the increasing cost of oil, the cost of patching material has increased significantly. The price for 2007 for binder ranged from \$41.95 per ton to \$43.09 per ton. The June, 2008 price was \$53.64 and the July price increased to \$61.05 per ton. The cost for topcoat ranged from \$45.77 to \$47.65 in 2007, and the June, 2008 price was \$60.14 and the July price was \$69.09 per ton.

In order to have funds to have material to continue the patching program for the balance of the year, it is requested that \$28,000 be appropriated from casino funds and put in account A.5110.0200.0419.013.

Will the Council so approve?

Council Member Walker moved to add this item to the agenda

Yeas

4

Nays

0

APPROVED

ADDED TO AGENDA AS ITEM #22

Council Member Walker moved that the communication be received and filed and the recommendation approved

Yeas

4

Nays

0

APPROVED

RESOLUTION: SEPTEMBER MEETING DATES, 2008-76

AGENDA Item #23

Relative to changing September 15th meeting to September 8, 2008

BY: Council Chairman Sam Fruscione

BE IT RESOLVED that the regularly scheduled Council meeting of Monday, September 15, 2008 will be held on Monday, September 8, 2008 at 4:00 p.m. and 7:00 p.m.

Council Member Walker moved that this item be added to agenda

Yeas 4
Nays 0

APPROVED

ADDED TO AGENDA AS ITEM #23

Council Member moved to adopt the resolution

Yeas 4
Nays 0

ADOPTED

RESOLUTION: AMENDING CHAPTER 1308 OF THE CODIFIED ORDINANCES, 2008-

24. Resolution relative to amending chapter 1308 of the Codified Ordinances entitled "District Exceptions, Modifications & Amendments"

BY: Council Member Chris Robins

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1308 of the Codified Ordinances entitled ADistrict Exceptions, Modifications, and Amendments@ is hereby amended by amending Section 1308.07 to read as follows:

1308.07 Change in District Boundary; Notice

If the proposed amendment consists of or includes a change in any boundary of any district established by this Zoning Ordinance, the Planning Board shall also give notice of the proposed amendment and of the hearing thereon, at least ten days before the date of such hearing, by:

Mailing notices thereof to the owners of all land lying within a distance of 500 feet from the exterior boundaries of land involved in such proposed change, as the names of such owners appear on the assessment records of the City, and

The foregoing requirements as to mailed notices shall be substantially observed, but any minor inaccuracy in giving such notice shall not invalidate the proceedings that are involved.

The above notice requirements shall not apply where the petition or resolution involves amendments to the boundaries of multiple zoning districts encompassing more than ten acres provided, however, that notice of the public hearing for such petitions or resolutions shall be published in the official newspaper of the City at least three times, not more than 30 nor less than 10 business days before the date of the public hearing.

Bold and Underlining indicate Additions.

Bold and Brackets indicate [Deletions].

Council Member Walker moved that this item be added to the agenda

Yeas 3
Fournier, Robins, walker

Nays 1
Anderson

DEFEATED

NEEDS 4 AFFIRMATIVE VOTES TO ADD TO AGENDA

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci
City Clerk



SEPTEMBER 8, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the September 8, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of July 28, 2008.

Yeas	5
Nays	0

APPROVED

Paul Fedorsak, NYS HOG Site Coordinator, thanked the Mayor and Council for their help in making his event a success, and informed them that Harley Davidson would like to bring their National Rally to Niagara Falls to be held jointly with Canada.

Water Board Members Tom Vitello and George Morreale gave the Council Members an update on current issues, including the status of repairs on 91st Street, the requirement for sump pumps in the LaSalle area, and a capital program to replace non-functioning water meters which will help to recover lost revenue. They also stated that the Board Members have demanded that there be no rate increase.

Dr. James Klyczek, President of NCCC, spoke on plans for the college to locate their Culinary Institute in Niagara Falls.

Candace Corsaro spoke about vandalism and security issues at Nor Loc Park, and asked that basketball courts be put at Hyde Park instead.

Chairman Fruscione thanked Council Secretary Geri Mondri and DPW Director David Kinney for their efforts in painting the Council Chambers.

Chairman Fruscione questioned Mayor Paul Dyster on:

1. The Mayor's Proposed 2009 Budget - Chairman Fruscione asked that it be balanced, and presented on time.
2. The SAFER Grant for the Fire Department - the Mayor stated that he would like to be able to address this at the Council's next Meeting.
3. The Hope VI Project - this is in discussion by the Mayor, the Niagara Falls Housing Authority, and Norstar.
4. The status of appointing a Corporation Counsel - the Mayor would like to finalize an Economic Development Director first, the Corporation Counsel at the next Council Meeting, and then the City Engineer.
5. Vendors permits for the various festivals - the City Administrator will address this.
6. The Ice Pavilion - the City is looking into a partnership with the Board of Education for the Ice Pavilion, Stadium and basketball complex. The City has applied for a grant for recreational purposes.

Council Member Robins asked Civil Engineer Robert Buzzelli about the status of the Lewiston Road Project, and he replied that the funding was in place. Council Member Anderson inquired about 72nd Street, and Mr. Buzzelli replied that 77th Street would be addressed first. Council Member Anderson also asked that streets in front of all the City's Fire Halls be fixed. In response to Council Member Anderson's concerns about repairs on Buffalo Avenue, Mr. Buzzelli said that the City has to wait for government funding.

City Controller Maria Brown asked about the starting date for the new temporary North Star Project Coordinator (Agenda Item #34), and a discussion followed in funding the position.

Chairman Fruscione asked Mrs. Brown for an approximate total cost for the position of Economic Development Director (Agenda Item #13), and a discussion followed on reimbursement of part of the salary and benefits.

Council Member Robins asked the Mayor about his meeting with representatives of the Diocese of Buffalo regarding closed churches (Agenda Items #21 and 22), and the Mayor reported that the Diocese is holding a conference with several interested entities to explore possible uses and development on the properties.

Acting Corporation Counsel Thomas O'Donnell distributed copies of three items to be added to the Agenda:

1. A communication relative to a contract for the reconstruction of 77th Street.

Council member Robins moved to add the communication to the Agenda.
Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #32.

2. A communication relative to additional expenses for the Ontario Jazz Reunion.

Council Member Robins moved to add the communication to the Agenda.
Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as # 33.

3. A communication relative to creation and funding of the position of North Star Project Coordinator.

Council Member Robins moved to add the communication to the Agenda.

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #34.

This Session ended at 5:30 PM

Chairman Fruscione reconvened the Meeting at 7:03 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Stephen Dojka	Agenda Items #21 & #22
Maryanne Schultz	Agenda Items #21 & #22
Yazbeck Sarkees	Agenda Items #21 & #22
Mike Parsnick	Agenda Items #21 & #22
Ken Hamilton	Agenda Item #6
Harry DeBan	Agenda Items #21 & #22
Frances Douglas	Agenda Item #13
Candace Corsaro	Agenda Item #6
Remi Gonzalez	Agenda Items #21 & #22
Mary Claire Erias	Agenda Item #6
Walter Schultz	Agenda Items #21 & #22
Mike Esposito	Agenda Item #6
Roger Spurbach	Dilapidated housing in the City
Ken Hamilton	Economic development
Steven Latchford	no basketball courts at NORLOC Park
Norma Higgs	Housing concerns
David Bieksza	Housing concerns
Robert Miller	Housing concerns & basketball courts
Elliott White	Opposed to Economic Development & Tourism Development positions

The following were RECEIVED AND FILED:

Agenda Item #1
Claims Report for July, 2008.

Agenda item #2
Claims Report for August, 2008

Agenda item #3
Mayor's Approval of Ordinance 15-2008

Agenda item #4
City Clerk's Report for July, 2008

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: American Glass & Mirror CO., INC, LIBRARY ENTRANCE

Agenda Item #5

RE: Approval of contract with American Glass & Mirror Co., Inc. for \$47,000 for entrance installation & modifications at the library

The following was the result of bids received on August 12, 2008, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
American Glass & Mirror Co., Inc. 2055 Military Road Niagara Falls, NY 14304	\$ 47,800.00
Sicoli Construction, Inc.	\$ 50,000.00

It is the recommendation of the undersigned that this project be awarded to American Glass & Mirror Co., Inc. at its Base Bid of \$47,800.00. Funding is available under Capital Code H0904.2004.0904.0443.000.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: MARK CERRONE, INC., BASKETBALL COURT

Agenda Item #6

RE: Approval of contract with Mark Cerrone, Inc., in the amount of \$52,518.20 for new basketball court at Lockport Street & North Avenue playground

The following was the result of bids received on July 21, 2008, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Mark Cerrone, Inc. 2368 Maryland Ave. Niagara Falls, NY 14305	\$ 52,518.20
Yarussi Construction, Inc.	\$ 57,700.00
Armand Cerrone, Inc.	\$ 63,850.00
Valery Contracting, Inc.	\$ 81,620.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Mark Cerrone, Inc., at their Base Bid of \$52,218.50. Funding is available in Community Development Code CPW068 of \$40,000.00. The additional balance of \$12,218.50 will be transferred from Funding Code CRP966.

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

Council Member Walker moved that the communication be tabled.

Yeas	5
Nays	0

TABLED

448 THIRD STREET, SALE OF

Agenda Item #7

RE: Approval of acquisition of 448 Third Street for the sum of \$75,000 for an arcade walk-through

448 Third Street is a vacant lot on the west side of Third Street between Niagara Street and Ferry Avenue. It is identified as SBL# 159.29-1-54.

We would like to purchase the lot to use it for an arcade walk-through for parking on Second Street to be able to access Third Street. The property is currently under contract to Joseph Anderson for \$75,000. The City will buy this directly from Mr. Anderson after he acquires from the current owner, but could purchase from the seller on assignment of the contract from Mr. Anderson.

Because the acquisition has not been referred to the Planning Board, authorization of immediate acquisition must be unanimous.

The acquisition will be paid from casino revenues.

Will the City Council find that immediate acquisition of this specified parcel of land would be in the public interest and vote to approve the acquisition of 448 Third Street as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: GHI, ADMINISTRATIVE SERVICES

Agenda Item #8

RE: Approval of agreement with GHI for administrative services to provide dental coverage for City Retirees

Attached (on file in City Clerk's office) is the proposed agreement for GHI to continue providing the administrative services for the dental coverage for the City retirees who retired prior to the adoption of the new health insurance plan. Funding is available in the budget.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

DPW FUNDING APPROPRIATION, PAVING & SIDEWALKS

Agenda Item #9

RE: Approval to appropriate casino funds in the amount of \$15,000 for sidewalks and \$150,000 for paving so that additional work can be done

City crews completing the sidewalk and street projects originally included the capital appropriation earlier this year.

There is time left in the construction season it is requested that the Council appropriate \$15,000.00 for sidewalks and \$150,000.00 for paving from casino revenues so that additional work can be completed.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

BUDGET APPROPRIATION: COUNCIL CHAMBER BLINDS

Agenda Item #10

RE: Approval to appropriate \$1,914.00 from casino interest for replacement blinds for the Council Chambers

As part of the refurbishing of the Council Chambers new blinds are being purchased.

Since funds were not included in the 2008 budget it is requested that the Council appropriate the sum of \$1, 914.00 from casino interest to pay for this expense.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

BUDGET AMENDMENT: ENGINEERING OVERTIME

Agenda Item #11

RE: Approval to amend the 2008 budget to increase overtime line in Engineering budget by \$5,000.00

The 2008 adopted budget included \$1,000.00 for overtime for the Engineering Department. Due to the lack of a City Engineer on staff, additional duties have been performed by Engineering personnel and the overtime allotment is depleted. I am requesting that the Council again amend the budget to increase the Engineering overtime fund an additional \$5,000.00. Funds are available in A1440.0000.0110.000 (Biweekly Payroll).

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

ECONOMIC DEVELOPMENT POSITIONS

Agenda Item #12

RE: Approval to allocate \$380,000.00 of casino funds to budget NFC, Economic Development Zone, URA Economic Development Specialist and Tourism Coordinator for the 2009 fiscal year

Earlier this year NFC, Economic Development Zone, URA Economic Development Specialist and Tourism Coordinator jobs were transferred to the general fund with reimbursement from NFC and URA respectively.

For the coming year it is projected that these five jobs together with fringe benefits will come to \$380, 000.00

It is recommended that casino revenue in this amount be allocated so that these jobs may be budgeted for the 2009 fiscal year.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

2

Robins, Walker

Nays

3

Anderson, Fournier, Fruscione

DEFEATED

ECONOMIC DEVELOPMENT POSITION

Agenda Item #13

RE: Approval to create Economic development Director position at a salary of \$100,000. with \$60,000 funded by the City and balance by the community Foundation for greater Buffalo's build a better Niagara fund and to amend budget accordingly

As the Council is aware, one of the positions that the administration has been seeking to fill is the Director of Economic Development. The Charter currently has Economic Development as part of the Department of Planning, Economic Development and Environmental Services and has a Director position. The 2008 budget did not provide funding for this position.

The City has found a candidate for this position and would request that the Council amend the 2008 budget by setting a salary for this director position at \$100,000 annually. On an annual basis, \$60,000 of this funding would come from City funds and the balance from the Community Foundation for Greater Buffalo's Build a Better Niagara Fund.

Will the Council vote to amend the 2008 budget by creating this position and appropriate from the contingency fund the amount necessary to fund the City's portion of the salary for the balance of the year, together with related benefits?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 3

Fournier, Robins, Walker

Nays 2

Anderson, Fruscione

APPROVED

BUDGET AMENDMENT: DEPARTMENT OF PUBLIC WORKS

Agenda Item #14

RE: Approval of budget amendment of \$150,000 from fund balance to cover budget shortfalls in Department of Public Works

Attached (on file in City Clerk's Office) is a memo from the Director of Public Works setting forth several shortfalls in the DPW budget.

It is requested that the Council appropriate a total of \$150,000.00 from fund balance to the accounts listed on the attached memo.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM CORPORATION COUNSEL

CLAIM: LIBERTY MUTUAL INSURANCE COMPANY A/S/O RENEE FIORENTINI

Agenda Item #15

RE: Approval to settle and pay claim of Liberty Mutual Insurance Company a/s/o Renee Fiorentini in the amount of \$50,000

Date Claim Filed: July 2, 2002
Date Action Commenced: N/A
Date of Occurrence: April 10, 2002
Location: Intersection of Buffalo Avenue and Portage Road

Nature of Claim: Personal injuries sustained in an accident with City vehicle

City Driver: George H. Crawley
Status of Action: Arbitration stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: \$50,000.00
Make Check Payable to: Liberty Mutual Insurance Company.
Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: LIBERTY MUTUAL INSURANCE COMPANY A/S/O PHYLLIS SIMONE

Agenda item #16

RE: Approval to settle and pay claim of Liberty Mutual Insurance Company a/s/o Phyllis Simone in the amount of \$50,000

Date Claim Filed: July 2, 2002
Date Action Commenced: N/A
Date of Occurrence: April 10, 2002
Location: Intersection of Buffalo Avenue and Portage Road

Nature of Claim: Personal injuries sustained in an accident with City vehicle

City Driver: George H. Crawley
Status of Action: Arbitration stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: \$50,000.00
Make Check Payable to: Liberty Mutual Insurance Company.
Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: ROBERTS, KIM

Agenda item #17

RE: Approval to pay medical expenses of Kim Roberts in the amount of \$29.66

The above claimant has incurred medical expenses for personal injuries suffered by her when, while a pedestrian, she was struck by a police vehicle owned by the City of Niagara Falls, New York. The driver of the police vehicle was Officer Charles Fink.

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>
Niagara Orthopaedic	July 17, 2008	\$ 29.66
Total		\$ 29.66

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?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

402 79TH STREET, SALE TO LAURIE HILL

Agenda item #18

RE: Approval of sale of 402 79th Street to Laurie Hill for \$100.00

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of \$100.00. This property was approved for sale by the Planning Board.

Will the Council approve the sale of these premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: RODGERS, RICKEY R.

Agenda Item #19

RE: Approval to settle and pay claim of Rickey Rodgers in the amount of \$50,000

Date Claim Filed:	August 30, 2006
Date Action Commenced:	December 20, 2006
Date of Occurrence:	August 7, 2006
Location:	Hyde Park Boulevard
Nature of Claim:	Personal injuries due to accident with City police car
City Driver:	Officer David Kelly
Status of Action:	Litigation
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$50,000.00
Make Check Payable to:	Rickey R. Rodgers and Shaw & Shaw, P.C.
Conditions:	General Release and Stipulation of Discontinuance to City, approved by Corporation Counsel.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS RECEIVED FROM THE CITY CLERK

COMMISSIONER OF DEEDS

Agenda Item #20

RE: Approval of appointment of Commissioners of Deeds for a term from October 1, 2008 to September 30, 2010

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2008 to September 30, 2010.

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

Maria C. Brown	City Controller
Geraldine Mondri	City Council Office
Donald Flett	NFPD
Shawn Larrabee	NFPD
Joseph Paul	NFPD
Linda S. Boxer	921 Vanderbilt Ave., NF, NY 14305
Mary Ann DeMartin	1359 James Ave., NF, NY 14305
Matthew A. Davis II	1317 Ashland Ave., NF, NY 14301
Richard D. Hague Jr.	736 4 th Street, NF, NY 14301
Anna Iannarelli	461 21 st St., NF, NY 14303
Vincent M. Mameli	462 77 th St., NF, NY 14304
Marcia Massaro	626 69 th St., NF, NY 14304
Kristina McGuire	7021 Lakeside Dr., NF, NY 14304
Marguerite H. Monin	9104 Champlain Ave., NF, NY 14304
Jaclyn Palovick	136 77 th St., NF, NY 14304
Ida P. Seright	2736 21 st St., NF, NY 14305
Paige S. Treat	6870 Sy Road, NF, NY 14304
Joanne M. Zygmunt	756 17 th St., NF, NY 14301

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas
Nays

5
0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE RECEIVED FROM THE HISTORIC PRESERVATION COMMISSION

HISTORIC PRESERVATION: 1910 FALLS STREET

Agenda Item #21

RE: Approval of Historic Designation of St, George's Roman Catholic Church and rectory building exteriors and interior Public areas of church

Attached(on file in City Clerk's Office) is the report approved August 6, 2008 from the Niagara Falls Historic Preservation Commission recommending designation of 1910 Falls Street, the St. George's Roman Catholic Church complex, as an historic landmark under the City Historic Preservation Ordinance. The elements recommended for landmark status are the exterior of the church and rectory buildings and the public portions of the interior of the church building, being nave, transepts, apse, choir loft and narthex. This proposed designation was approved based on the action of the Commission on its own initiative pursuant to the Historic Preservation Ordinance. The property is listed in the assessor records as owned by St. George's Roman Catholic Church.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law. (emphasis supplied)

Will the Council vote to approve the historic landmark designation of the exterior of the church and rectory buildings and the public portions of the interior of the church building, being the nave, transepts, apse, choir loft and narthex for St. George's Roman Catholic Church 1910 Falls Street, and forward the designation to the Mayor, as provided by City Ordinance?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas
Nays

5
0

APPROVED

HISTORIC PRESERVATION: 1120 & 1128 NIAGARA STREET

Agenda Item #22

RE: Approval of Historic Designation of Our Lady of Lebanon Catholic Church and Rectory Building exteriors and interior Public areas of Church

Attached(on file in the City Clerk's Office) is the report approved August 6, 2008 from the Niagara Falls Historic Preservation Commission recommending designation of 1120 and 1128 Niagara Street, the Our Lady of Lebanon Catholic Church complex, as an historic landmark under the City Historic Preservation Ordinance. The elements recommended for landmark status are the exterior of the church and rectory buildings and the public portions of the interior of the church building, being the nave, transepts, apse, choir loft and narthex. This proposed designation was approved based on the action of the Commission on its own initiative pursuant to the Historic Preservation Ordinance. The property is listed in the assessor records as owned by Our Lady of Lebanon Roman Catholic Church.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law. (emphasis supplied)

Will the Council vote to approve the historic landmark designation of the exterior of the church and rectory buildings and the public portions of the interior of the church building, being the nave, transepts, apse, choir loft and narthex for Our Lady of Lebanon Catholic Church complex at 1120 and 1128 Niagara Street, and forward the designation to the Mayor, as provided by City Ordinance?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas
Nays

5
0

APPROVED

RESOLUTION: JOHN "SPIDER" MARTIN, HONORING, 2008-77

Agenda Item #23

Relative to honoring John "Spider" Martin, saxophonist-composer-arranger-educator

BY: All Council Members



We, the Niagara Falls City Council, presented a "Letter of Recognition" in memory of John "Spider" Martin and declared Saturday, September 6th, 2008 - John "Spider" Martin Day.

WHEREAS, John "Spider" Martin has always been a spokesman for live music in its purest form (jazz), and as America's only contribution to the arts, the need for it to be understood and appreciated by all people especially today's youth was most important to him; and

WHEREAS, John "Spider" Martin has been a professional musician all of his life; and his contribution to the art of jazz deserves greater appreciation. Born August 18, 1931 in Asheville, North Carolina, "Spider" Martin moved to Niagara Falls, New York when he was still a boy. He studied at the Manhattan School of Music and began his professional career in earnest touring with Lionel Hampton's big band and toured the east coast backing numerous jazz giants including Dizzy Gillespie, Pepper Adams, Jimmy McGriff and Tony Bennett; and

WHEREAS, later in his career, Spider performed with his younger son, drummer Darryl "Pookie" Martin. He died on April 21st, 2000 in Niagara Falls at the age of 68.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, along with Mayor Paul A. Dyster did declare Saturday, September 6th, 2008 as John "Spider" Martin Day.

"To those who claim that Jazz is making a comeback, "Spider" responds "He was not aware that it had been any place."

Yeas

5

Nays

0

ADOPTED

RESOLUTION: NIAGARA FALLS POLICE ,HONORING OVERSEAS MILITARY, 2008-78

Agenda Item #24

Relative to honoring members of the Niagara falls Police department for their overseas military service

BY: All Council Members

WHEREAS, several members of the Niagara Falls Police Department have overseas military service. They are:

Alvarez, Lori - U.S. Navy
Kuwait - Aug '07 to Jun '08
Cirrito, Ronald - U.S. Air Force
Kyrgyzstan - Dec '02 to May '03
DalPorto, Bryan - U.S. Air Force
Iraq - Jan '08 to May '08
Gizzarelli, Steven - U.S. Army
Iraq - Oct '05 to Oct '06
Henderson, Kevin - U.S. Army
Iraq - Dec '04 to Dec '05 (Henderson's hiring was delayed because of his military service.)
Jones, Daniel - U.S. Air Force
Kyrgyzstan - Dec '03 to May '03
King, Richard - U.S. Air Force
Kyrgyzstan - Dec '03 to May '03
Diego Garcia (Indian Ocean) Jan '05 to Apr '05
Iraq - Jan '08 to Jun '08
Larrabee, Shawn - U.S. Air Force
Dec '06
Feb to Mar '07
Jun '07
Nichols, Walter - U.S. Army
Iraq - Aug '04 - Jun '05
Afghanistan - Jan '08 to present

NOW THEREFORE BE IT RESOLVED, by the Niagara Falls City Council along with Mayor Paul Dyster, that we recognize the military service of these members of the Niagara Falls Police Department and congratulate them for their service to the City of Niagara Falls and their service to our Country.

Yeas
Nays

5
0

ADOPTED

RESOLUTION: CENTENNIAL SENIORS, HONORING, 2008-79

Agenda Item #25

Relative to honoring the centennial Seniors of Niagaa County

BY: All Council Members

WHEREAS, on Wednesday, September 17th, 2008, the Niagara County Office for the Aging will be honoring persons celebrating their 100th (or more) birthday; and

WHEREAS, this celebration is being held in conjunction with Niagara County's 200th year Anniversary; and

WHEREAS, the following seniors will be honored:

Vencenza Colucci
Anna Connolly
Mildred DeRemer
Frances Genovese
Frances Jewell
Mabel Koloff
Lena Martinucci
Anna Mittigia
Elizabeth Pazone
Pearl Ripple
Carmen Teijido

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, along with Mayor Paul A. Dyster, that they extend their congratulations on behalf of all the citizens of the City of Niagara Falls and the County of Niagara in honoring the above-named seniors as they celebrate this momentous occasion.

Yeas
Nays

5
0

ADOPTED

RESOLUTION: NAACP 100TH ANNIVERSARY, 2008-80

Agenda Item #26

Relative to the 100th anniversary of the NAACP

BY: All Council Members

WHEREAS, on February 12th, 2009, the National Association for the Advancement of Colored People (NAACP) will celebrate their 100th Anniversary; and

WHEREAS, the Mission of the NAACP is to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination; and

WHEREAS, the principal objectives of the Association are to ensure the political, educational, social and economic equality of all citizens; to achieve equality of rights and eliminate race prejudice among the citizens of the United States; to remove all barriers of racial discrimination through democratic processes; to seek enactment and enforcement of federal, state and local laws securing civil rights; to inform the public of the adverse effects of racial discrimination and to seek its elimination; and finally, to educate persons as to their constitutional rights and to take all lawful action to secure the exercise thereof, and to take any other lawful action in furtherance of these objectives; and

WHEREAS, founded on February 12th, 1909, the NAACP was founded by a multiracial group of activists who answered "the call" in New York City, New York and began its legacy of fighting legal battles and addressing social injustices.

NOW THEREFORE BE IT RESOLVED, by the Niagara Falls City Council, that we support the actions of the Niagara Falls Branch of the NAACP President, Mr. Ronald E. Cunningham, to form a Centennial Committee for the 100th Anniversary Celebration and recognize the NAACP as one of the oldest and most influential civil rights organizations in the United States.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: GLENDA GLOVER, HONORING, 2008-81

Agenda Item #27

Relative to honoring the memory of Glenda Glover

BY: All Council Members



WHEREAS, on Thursday, August 14th, 2008, Glenda Glover passed away at the age of 63; and

WHEREAS, Glenda was a woman totally committed to her church and community. She was a mentor to many during her lifetime; and

WHEREAS, Glenda moved to Niagara Falls in 1966 and was employed by the Niagara Community Center. She also worked for Hooker, Oxy Chemical, Community Missions, Niagara County Department of Social Services; and was the Community Representative for former Senator Anthony R. Nanula. She also worked for the past 30 years as the Secretary to Trinity Baptist Church and was a former secretary for the Great Lakes Baptist Association of Christian Education; and

WHEREAS, Glenda served as past worthy matron of Frontier Chapter #21 Order of Eastern Star, among other various civic and church groups. Glenda was truly a loving and self sacrificing person and those that knew her, were proud to call her a friend.

NOW THEREFORE BE IT RESOLVED, by the Niagara Falls City Council along with Mayor Paul Dyster, that we recognize the life accomplishments of Glenda Glover and recognize that she will be sorely missed by everyone who had the opportunity to know her and was lucky enough to be a part of her extraordinary life.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: AMENDING CHAPTER 1308 OF THE CODIFIED ORDINANCES, 2008-82

Agenda Item #28

Relative to amending Chapter 1308 of the Codified Ordinances entitled "District exceptions, modifications, and amendments"

BY: Council Member Chris Robins

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1308 of the Codified Ordinances entitled ADistrict Exceptions, Modifications, and Amendments@ is hereby amended by amending Section 1308.07 to read as follows:

1308.07 Change in District Boundary; Notice

If the proposed amendment consists of or includes a change in any boundary of any district established by this Zoning Ordinance, the Planning Board shall also give notice of the proposed amendment and of the hearing thereon, at least ten days before the date of such hearing, by:

Mailing notices thereof to the owners of all land lying within a distance of 500 feet from the exterior boundaries of land involved in such proposed change, as the names of such owners appear on the assessment records of the City, and

The foregoing requirements as to mailed notices shall be substantially observed, but any minor inaccuracy in giving such notice shall not invalidate the proceedings that are involved.

The above notice requirements shall not apply where the petition or resolution involves amendments to the boundaries of multiple zoning districts encompassing more than ten acres provided, however, that notice of the public hearing for such petitions or resolutions shall be published in the official newspaper of the City at least three times, not more than 30 nor less than 10 business days before the date of the public hearing.

Bold and Underlining indicate **Additions**.

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

Yeas
Nays

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0

ADOPTED

RESOLUTION: AMENDING CHAPTER 361 OF THE CODIFIED ORDINANCES, 2008-83

Agenda Item #29

Relative to amending Chapter 361 of the codified Ordinances entitled "Stationary Engineers and Fireman"

BY: Council Chairman Samuel Fruscione

WHEREAS, on November 28, 2005 Council adopted various fee changes; and WHEREAS, the following fee was not fully incorporated into the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 361 of the Codified Ordinances entitled "Stationary Engineers and Firemen" is hereby amended by amending Section 361.15 to read as follows:

Section 361.15 REGISTRATION AND CERTIFICATES FOR BOILERS; POSTING.

Every owner of a steam boiler or boilers operated within the City of Niagara Falls, required to be operated by a licensed engineer or fireman, shall on or before the first day of May in each year, register the same giving the name of the manufacturer, the date of manufacture and the number and locations of all boilers and the rated capacity of each with the Board of Examiners of Stationary Engineers, and shall procure a certificate of such registration from said Board. This certificate shall be posted in a conspicuous place where such boiler or boilers are located.

The annual fee for such registration shall be \$50.00.

Bold and Underlining indicate **Additions**.

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

Yeas
Nays

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0

ADOPTED

RESOLUTION: AMENDING CHAPTER 303 OF THE CODIFIED ORDINANCES, 2008-84

Agenda Item #30

Relative to amending Chapter 303 of the Codified ordinances entitled "Licensing & Regulation of coin-operated vending machines"

BY: Council Chairman Samuel Fruscione

WHEREAS, on November 28, 2005 Council adopted various fee changes; and WHEREAS, the following fee was not fully incorporated into the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 303 of the Codified Ordinances entitled ALicensing & Regulation of Coin-operated Vending Machines@ is hereby amended by amending Section 303.04 to read as follows:

Section 303.04 LICENSE FEES.

Every applicant, before being granted a license, shall pay an annual license fee of Thirty Dollars (\$30.00) for each and every coin-operated vending machine, as specified in this ordinance, Chapter 303. **The fee will be Forty Dollars (\$40.00) if not paid within ten days of the expiration date of the license.**

Every license shall expire on the 30th day of September next succeeding the date of its issuance. All licenses currently in effect as of the date of this amendment shall accordingly be extended until September 30, 1984, and expire on said date unless renewed in accordance with the provisions of this chapter.

A licensee who, after the date of his application, increases the number of machines owned, operated, maintained or otherwise controlled by him beyond the number specified in his original application, shall, within three days, pay an additional annual license fee for the specified number at the rate therein fixed.

Every vending machine shall have, securely attached and affixed thereto, a decal or metal plate identifying the owner and his business address.

Every vending machine shall have, securely attached and affixed thereto, and clearly displayed, a license decal supplied by the City Clerk. Said decal shall indicate the expiration date of the license and the number assigned to the vending machine by the City Clerk

Bold and Underlining indicate **Additions.**

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

Yeas

5

Nays

0

ADOPTED

RESOLUTION: AMENDING CHAPTER 1107 OF THE CODIFIED ORDINANCES, 2008-85

Agenda Item #31

Relative to amending Chapter 1107 of the Codified Ordinances entitled "Permits, fees and certificates" and Chapter 1111 entitled "Plumbing Code of the City of Niagara Falls, New York"

BY: Council Chairman Samuel Fruscione

WHEREAS, on November 28, 2005 Council adopted various fee changes; and

WHEREAS, the following fees were not fully incorporated into the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1107 of the Codified Ordinances entitled APermits, Fees and Certificates@ is hereby amended by amending Section 1107.10 and Chapter 1111 of the Codified Ordinances entitled "Plumbing Code of the City of Niagara Falls, New York" is hereby amended by amending Appendix I to read as follows:

CHAPTER 1107 PERMITS, FEES AND CERTIFICATES
Section 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:

\$ \$ \$

B. Other Work

\$ \$ \$

5. Miscellaneous

\$ \$ \$

d. Swimming pool installation [- per 100 cu. ft., \$2.00]

e. Above ground - \$45.00

Inground - \$100.00

\$ \$ \$

\$ \$ \$

8. Certificates of Occupancy/Compliance

a. New construction only - No charge for certificate. (Proper permits must be obtained and all required inspections completed.)

b. Redated Certificate of Occupancy:

Residential - one dwelling unit \$ 50.00

Residential - each additional unit \$ 20.00

Commercial - per tenant \$ 40.00

Commercial - each additional unit \$ 15.00

c. Copy of any Certificate of Occupancy \$ 30.00

d. Certificate of Capacity \$ 35.00

\$ \$ \$

10. Plumbing, Drain and Sewer Cleaning and Mechanical Contracting Permit Fees:

\$ \$ \$

ADDITIONAL PLUMBING FEES:

\$ \$ \$

Registration Fees:

a. [General] Mechanical Contractor \$150.00

b. Apprentice Plumber \$ 15.00

c. Journeyman Plumber \$ 35.00

d. Master Plumber \$200.00

e. City Plumbing Inspector No fee

Renewal Fees:	
a. [General] <u>Mechanical Contractor</u>	\$150.00
b. Apprentice Plumber	\$ 10.00
c. Journeyman Plumber	\$ 20.00
d. Master Plumber	\$150.00
e. City Plumbing Inspector	No fee
\$ \$ \$	
12. Plan Review Fee	
<u>Residential (new homes only)</u>	\$150.00
<u>Commercial (new construction)</u>	\$250.00
<u>Industrial (new construction)</u>	\$300.00

CHAPTER 1111 PLUMBING CODE OF THE CITY OF NIAGARA FALLS, NEW YORK

APPENDIX I

LICENSING, REGISTRATION AND PLUMBING PERMIT FEES

AS ESTABLISHED UNDER CODIFIED ORDINANCE SECTION 1107.10 (B) (10)
 PLUMBING, DRAIN AND SEWER CLEANING AND MECHANICAL CONTRACTING
 PERMIT FEES:

\$ \$ \$

I. Additional Plumbing Fees:

\$ \$ \$

Registration Fees:

[General] <u>Mechanical Contractor</u>	\$ 150.00
Apprentice Plumber	\$ 15.00
Journeyman Plumber	\$ 35.00
Master Plumber	\$ 200.00
City Plumbing Inspector	No Fee

Renewal Fees:

[General] <u>Mechanical Contractor</u>	\$ 150.00
Apprentice Plumber	\$ 10.00
Journeyman Plumber	\$ 20.00
Master Plumber	\$ 150.00
City Plumbing Inspector	No Fee

Bold and Underlining indicate **Additions.**

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

Yeas	5
Nays	0
	ADOPTED

CONTRACT: YARUSSI CONSTRUCTION CO., INC., 77th STREET

Agenda Item #32

RE: Approval of contract with Yarussi Construction Co., Inc. in the amount of \$1,718,420.00 for the reconstruction of 77th Street between Stephenson Avenue and Niagara Falls Boulevard

The following was the result of bids received on August 20, 2008, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Yarussi Construction Co., Inc. 5650 Simmons Ave. Niagara Falls, NY 14304	\$ 1,718,420.00
Accadia Site Contracting, Inc.	\$ 1,748,852.50
L.J. Quigliano II Inc.	\$ 1,859,283.00
CATCO Inc.	\$ 2,165,725.00
Armand Cerrone, Inc.	\$ 2,279,500.00
Mark Cerrone, Inc.	\$ 6,306,860.00

It is the recommendation of the undersigned that this project be awarded to Yarussi Construction Co., Inc. at its Base Bid of \$1,718,420.00. Funding is available under Capital Code H0810.2008.0810.0449.599.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

ONTARIO JAZZ REUNION: ADDITIONAL FEES

Agenda Item #33

RE: Approval of additional expenses for the Ontario Jazz reunion

There are two additional amounts related to the Jazz Reunion that were paid out of pocket by the coordinator Kevin Cotrell. The first was \$160.00 per ad in the Challenger Newspaper and the second was that hotel rooms were required by the agreement for Joey DiFranscesco in the amount of \$313.96 at the Adams Mark Hotel.

Will the Council approve payment to Kevin Cotrell in the amount of \$473.96 from the tourism surplus?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

NORTH STAR PROJECT COORDINATOR: TEMPORARY POSITION

Agenda Item #34

RE: Approval of creation and funding for new temporary City position of North Star Project Coordinator

The Niagara Falls Underground Railroad Heritage Area has been designated as part of the New York State Heritage Area System. The North Star project entails creation of an Underground Railroad interpretive center at the Customhouse in the City as the underpinning of a heritage tourism themed development initiative that will serve as an anchor for a Niagara Regional tourism hub..

The City is fortunate to have Kevin Cottrell available "on loan" from the state to act as project coordinator for these efforts. It is proposed that the City create the temporary position of Project Coordinator. The State has offered a grant of \$75,000.00 per year for two years, with the possibility of a third year, to fund the salary and benefits for the position. Mr. Cottrell's current annual salary from the State is \$47,500.00. Mr. Cottrell will take a leave of absence from the State to become a City employee and undertake the project. Pursuant to the City Code of Conduct (City Ordinances, Chapter 107 of the Codified Ordinances), Mr. Cottrell will sever his relationship with his Motherlands Connection underground railroad business while he is a City employee.

The grant will be evidenced by a Cooperative Agreement with the State, acting through Parks, Historic Preservation and Recreation.

Attached(on file in the City Clerk's office) is a copy of the proposed job specification for this position. It is proposed that the City will contribute \$29,900.00 annually to the salary and benefits, in addition to the amount paid by the State grant. The position is temporary and will last as long as the state grant. The job specification will be presented to the local Civil Service Commission on September 10, 2008. Creation of the position is subject to final Civil Service Commission action on the job specifications.

Will the Council vote to approve the creation of the temporary project coordinator position as set forth herein, approve the state grant, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas
Nays

5
0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 8:45 p.m.

Carol A. Antonucci
City Clerk



SEPTEMBER 29, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the September 29, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:03 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of September 8, 2008.

Yeas	5
Nays	0

APPROVED

Phil Buffone of the United Way of Niagara gave a presentation on the Holiday Lights of Niagara, and asked that the Council again this year provide \$30,000 in funding for the event. He thanked the Council for their past support, and also thanked the Department of Public Works for their help in setting up for the displays.

Rita Majka, Director of Development for the Niagara Falls Boys and Girls Club, spoke on the sale of cookbooks as a fundraiser that she was working on for the Club, and asked for financial support from the Council.

In his Administrative Update, Mayor Paul Dyster introduced Peter Kay, the City's Director of Economic Development.

The Mayor asked Public Works Director David Kinney to give an update on paving and sidewalks. Mr. Kinney reported that the bulk of the paving work is done, and sidewalk work should be done within the next two weeks. Council Member Walker asked about additional work by the Forestry Division with additional funding from the Council that was on the Agenda, and a lengthy discussion followed. Council Member Walker suggested having City crews work overtime on Saturdays, Council Member Anderson noted that a long range plan was needed, and Council Member Robins suggested bidding out certain sections of the City to get the work done more quickly. The Mayor added that the Greenway Grant to provide funding for a tree inventory should be received very soon.

Council Member Anderson noted that work has started on 77th Street, and commended the Mayor. The Mayor also noted that 72nd Street is a high priority for next year. Council Member Robins said that he had heard that the Lewiston Road Project was waiting for CSX.

Chairman Fruscione asked the Mayor about the appointment of a Corporation Counsel, and the Mayor replied that the Administration is in discussion with a candidate about the terms of employment.

Chairman Fruscione also asked Acting Corporation Counsel Thomas O'Donnell to put in writing the guidelines for use of Casino funds.

Council Member Robins noted that the park at Niagara Falls Memorial Medical Center is amazing, and said that he had received only positive feedback about the summer Concert Series. The Mayor noted that Department Heads are working on estimating costs for concerts.

Council Member Fournier asked City Controller Maria Brown about the status of municipal bonds and bank accounts during the current fiscal crisis. Mrs. Brown responded that the City's funds are fully collateralized and deposits are secured. Mayor Dyster commended Mrs. Brown for her conservative estimate of interest earnings.

Chairman Fruscione asked about presentation of the Budget, and the Mayor said that there would be a presentation on the 2009 Budget at 4:30 PM on Wednesday, October 1, in the Council Chambers.

Council Member Fournier asked if the Budget Amendment for overtime in the Purchasing Department (Agenda Item #8) was for work done during work time or after work hours, and the Mayor responded that it was work done after normal working hours.

Mr. O'Donnell distributed copies of a Resolution relative to a schedule for budget meetings to be added to the Agenda.

Council Member Robins moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #24.

This Session ended at 4:35 PM

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Vince Anello	Agenda Item #23
Ken Hamilton	Agenda Item #22
Neal Gray, Sr.	Off campus housing for N.U. Students
Ron Anderluh	2009 CD Budget
Tina Granieri	Hyde Park lawn bowling courts
Olga Dunius	Mental Health issues
Ken Hamilton	Charter Codification, Basketball courts, attendance at Council Meetings, Library funding

The following were RECEIVED AND FILED:

Agenda Item #1
City Clerk's Report for August, 2008.

Agenda Item #2
Mayor's approval of Ordinances 2008-82, 2008-83, 2008-84 and 2008-85

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FOIT-ALBERT ASSOCIATES, P.C.:10TH STREET RECONSTRUCTION

Agenda Item #3

RE: Approval of change order #1 to contract with Foit-Albert Associates, P.C. for consulting services regarding 10th Street reconstruction

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

Subsequent to the start of the design process, funding became available to add Cedar Avenue from 10th Street to Main Street, to the scope of this project. The Council, in its January 14, 2008 session, approved the funding agreement between the City and NYSDOT and directed this Administration to execute and process the appropriate documents.

With that funding agreement now fully executed and returned, please allow this Change Order to augment our present contract with our designers for this project, Foit-Albert Associates, P.C. The additional cost associated with the incorporation of Cedar Avenue is \$232,000.00

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: NATIONAL VACUUM, INC.;ASBESTOS REMOVAL

Agenda item #4

RE: Approval of contract change order with National vacuum, Inc. in the amount of \$15,872 for additional asbestos removal

National Vacuum, Inc has submitted a change order proposal for additional asbestos abatement required at two properties contained in the above referenced demolition contract. The additional asbestos was identified during the course of dismantling the structures located at 545 24th Street and 248 24th Street. Approximately 48 sq. ft. of asbestos containing material was discovered in the kitchen wall cavity at 545 24th Street and 180 sq. ft. of asbestos floor tile was discovered at 248 24th Street. In both instances the asbestos containing material was not previously identified and represents additional unforeseen work to be performed by the contractor.

The total cost to remove the asbestos containing material is \$15,872. Community Development funds are available in Community Development Budget Code CDR099 (Demolition). Will the Council vote to so approve the change order and authorize the Director of Community Development to effectuate same.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

ENCROACHMENTS ON CITY PROPERTY: 1019 MAIN ST. & 2432 NIAGARA ST.

Agenda item #5

RE: Approval of encroachments at 1019 Main Street & 2432 Niagaa Street for canvas awnings

The owners of the two properties referenced above are participating in the Department of Community Development's commercial façade rebate program. Both properties will be significantly improved as a result of the proposed facade renovations with substantial private investment in addition to the Community Development grant. Included as an attachment(on file in City Clerk's Office) to this agenda item are copies of the architectural renderings depicting the scope of the proposed renovation plans.

The proposed renovations at both locations include canvas awnings that will encroach over the City right-of-way by 1'4". It is our recommendation that Council approve the encroachments at both 1019 Main Street and 2432 Niagara Street. Council approval will be contingent on the owner's submission of insurance coverage in a form acceptable to the City of Niagara Falls.

Will the Council vote to so approve the encroachments on City property and authorize the Director of Community Development to effectuate same.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: MODERN DISPOSAL SERVICES, INC.BULK WASTE & RECYCLING

Agenda Item #6

RE: Approval of Bid #35-03 with Modern Disposal services, Inc. for bulk waste and recycling services

At its meeting of November 24, 2003 the City Council awarded Modern Disposal Services, Inc. the above referenced bid (see attached agenda item). The current bid expires on December 31st 2008.

One of the provisions of the bid allows the agreement to be renewed annually under the same terms, conditions and specifications for up to five (5) additional years if mutually agreeable. Modern Disposal Services has expressed its desire to extend this agreement one (1) additional year, thru December 31, 2009. In addition, Modern will accept garbage from private citizens from the City at its facility at Model City. While they have been providing this service for the past few years it was not addressed in our agreement. Also, Modern will increase the number of recycling bins provided to the City at no charge from 500 per year, as specified in the agreement, to 1,000 bins per year.

We believe it is in the City's best interest to agree to this renewal. Therefore, we recommend extension of this agreement for one additional year thru December 31, 2009.

Funds for this expenditure will be budgeted in the 2009 budget code A8160.0000.0449.003.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: DELACY FORD, INC., REFUSE COLLECTION TRUCK

Agenda Item #7

RE: Approval of Bid #29-08 with DeLacy Ford, Inc. for purchase of refuse collection truck at \$78,826.00

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

TO: Delacy Ford, Inc.
3061 Transit Road
Elma, NY 14059

FOR: One (1) rear loading refuse collection body
mounted on a 4x2 chassis: \$78,826.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eleven (11) vendors. Three (3) bids were received. The above referenced dealer submitted the lowest price to meet our specifications.

Funds for this expenditure are available in the 2008 Capital budget code: H0820.2008.0820.0230.000.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

BUDGET AMENDMENT: PURCHASING DEPARTMENT

Agenda Item #8

RE: Approval of Budget Amendment for \$6,245.00 overtime for purchasing
The Purchasing Department has exhausted its overtime budget due to work on grants. I am requesting that the Council amend the budget to increase the Purchasing Department overtime by an additional \$6,245.00. Funds are available from the Designated Special Project fund.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

BUDGET AMENDMENT: FORESTRY DEPARTMENT

Agenda Item #9

RE: Approval of Budget Amendment for \$10,000.00 overtime for Forestry
There is a high number of backlogged work requests in the Forestry Department. It is recommended that the use of additional overtime will allow for this backlog to be reduced. It is therefore requested that \$10,000 be appropriated from Fund Balance to A8560.0000.0140.000 (\$9,300 Forestry overtime) and A8560.0000.0810.000 (\$700 Forestry FICA).

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

BUDGET AMENDMENT: NIAGARA POWER COALITION, RE: MARK ZITO LITIGATION

Agenda Item #10

RE: Approval of Budget Amendment for \$26,500.00 for increased expenses related to Mark Zito litigation

Due to increase in expenses related to the Mark Zito litigation against the Power Coalition, the City's share of the costs of the Coalition has increased.

Will the Council vote to appropriate \$26,500.00 of fund balance to cover this increased expense?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

TOURISM FUNDING: SUMMER CONCERT EVENTS

Agenda item #11

RE: Approval of budget appropriation of \$4,925.00 from Tourism to cover expenses related to summer concert events

The City spent an additional \$3,000.00 in advertising for the various concert events that it sponsored over the course of the summer and also incurred expenses of \$1,625.00 for portable restrooms for the Eddie Money concert and \$150.00 for portable toilets and a cost for Master of Ceremonies of \$150.00 for the Ontario House Festival.

Will the Council appropriate \$4,925.00 from the Tourism fund budget in order to pay these expenses?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

RECORDS MANAGEMENT GRANT: INSPECTIONS

Agenda Item #12

RE: Approval to accept NYS Archives Grant of \$62,854.00 for Inspections Department

The City has received a grant from the New York State Archives in the amount of \$62,854.00 to microfilm and scan architectural drawings in the Inspections Department. This work will be done under the direction of the Records Asset/Control Officer Sherry Shepherd-Corulli. No City funds are required.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

Agenda Item #13

RE: Approval of Memorandum of Agreement between the City and the International Brotherhood of teamsters, Local 264

Enclosed(on file in City Clerk's Office) please find the proposed Memorandum of Agreement between the International Brotherhood of Teamsters, Local 264 and the City of Niagara Falls. This agreement would settle PERB Case No. U-27756, an improper practice charge filed by the Union. The basis for the charge stems from the City's use of female police officers on the female side of the Niagara Falls City Jail, work which has historically and exclusively been that of the Teamsters. By using female police officers, the Union members were deprived of the opportunity to work numerous overtime assignments between the period of June 1, 2007 and January 15, 2008. As such, the City proposes to pay the Union \$10,000 in back pay as well as stipulate that it will no longer use non-bargaining unit employees to perform the Union's exclusive work.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

USA NIAGARA FUNDING: WEST MALL RECONSTRUCTION

Agenda Item #14

RE: Approval of funding agreement with USA Niagara for West Mall reconstruction project

Attached(on file in City Clerk's Office) is a proposed Funding Agreement with USA Niagara. The award of the bid for the construction contract appears elsewhere on your agenda.

Will the Council so approve and authorize the Mayor to execute the Funding agreement?

Amendment

As part of its activities related to the West Mall Reconstruction Project, USA Niagara has been negotiating with Fallside Marketplace, Inc. the holder of the Memorandum of Understanding with the City for use of the West Mall.

These negotiations have resulted in an agreement to have Fallside surrender its remaining years under its agreement and provide immediate entry to the premises to allow the construction to begin.

In exchange for this, Fallside will be paid the sum of \$310,000.00. This sum will be initially funded from the contingency line contained in the funding agreement attached to agenda item 14.

Will the Council approve the amendment to the funding agreement to provide for this payment and authorize the Mayor to execute a surrender agreement with Fallside Marketplace, Inc. and any other documents approved by the Corporation Counsel to effectuate the surrender of the premises?

Council Member Robins moved that the communication be amended relative to terms of agreement

Yeas

5

Nays

0

AMENDED

Council Member Anderson moved that the communication be received and filed and the recommendation approved as amended.

Yeas

5

Nays

0

APPROVED

CONTRACT: MARK CERRONE, INC., WEST MALL RECONSTRUCTION

Agenda Item #15

RE: Approval of contract with Mark Cerrone, Inc. for a total of \$4,376,043.00 for West Mall reconstruction

The following was the result of bids received on September 16, 2008, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT. 1</u>	<u>ALT. 2</u>	<u>ALT. 3</u>	<u>ALT. 4</u>
Mark Cerrone, Inc. 2368 Maryland Ave. Niagara Falls, NY 14304	\$ 4,096,178.00	(305,465.00) (deduct)	209,600.00	49,000.00	21,400.00
CATCO, Inc. Accadia Site Contracting, Inc.	\$ 4,108,571.50	(89,550.00)	216,150.00	45,000.00	26,750.00
Yarussi Construction, Inc.	\$ 4,619,704.36	(378,100)	284,925.00	51,000.00	37,450.00
Oakgrove Construction, Inc.	\$ 4,825,023.00	(129,350.00)	262,000.00	45,000.00	21,400.00
	\$ 4,984,975.50	(309,445.00)	203,705.00	91,000.00	107,000.00

It is the recommendation of the undersigned that this project be awarded to Mark Cerrone, Inc. at its **Base Bid of \$ 4,096,178.00** plus **Alternate 2** in the amount of **\$209,600.00** and **Alternate 3** in the amount of **\$49,000.00** and **Alternate 4** in the amount of **\$21,400.00** which will result in a **total award of \$4,376,043.00**.

Funding will be provided under the Agreement with USA Niagara which appears elsewhere on the Council agenda.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: MATSULAVAGE

Agenda Item #16

RE: Approval to settle and pay claim of Matsulavage in the amount of \$25,000.00

Nature of Claim:	Personal Injury
Status of Action:	Litigation stage.
Recommendation:	Best interests of City to pay.
Amount to be Paid:	\$25,000.00
Make Check Payable to:	"David J. Seeger, Esq, as attorney"
Conditions:	General Release and Stipulation of Discontinuance to City, approved by Corporation Counsel.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

97TH STREET: ALTERNATE OVERNIGHT PARKING

Agenda Item #17

RE: Approval of alternate overnight parking on 97th Street between Marine Memorial Drive and 98th Street

At a Traffic Advisory Commission meeting held on September 10, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 97TH STREET BETWEEN MARINE MEMORIAL DRIVE & 98TH STREET

A Petition from the residents of this block was received with 67% signatures.

Submitted By: Christine Edwards, 1514 - 97th Street and
Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

BOLLIER AVENUE: ALTERNATE OVERNIGHT PARKING

Agenda Item #18

RE: Approval of alternate overnight parking on Bollier Avvenue between Military Road and Cayuga drive

At a Traffic Advisory Commission meeting held on September 10, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON BOLLIER AVENUE BETWEEN MILITARY ROAD & CAYUGA DRIVE

A Petition from the residents of this block was received with 63% signatures.

Submitted By: Pamela Casero, 8706 Bollier Avenue and
Petition/Residents of Block

It is requested that City Council approve this recommendation

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

BRANDI DRIVE: ALTERNATE OVERNIGHT PARKING

Agenda Item #19

RE: Approval of alternate overnight parking on Brandi Drive between Cayuga Drive and 96th Street

At a Traffic Advisory Commission meeting held on September 10, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON BRANDI DRIVE BETWEEN CAYUGA DRIVE & 96TH STREET

A Petition from the residents of this block was received with 81% signatures.

Submitted By: Claudia Deuro, 1231 Brandi Drive and
Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

RESOLUTION: HONORING WILLIE C. FIELDS, SR., 2008-86

Agenda Item #22

Relative to honoring the memory of Mr. Willie C. Fields, Sr,
BY: All Council Members

WHEREAS, on Friday, September 19, 2008, Mr. Willie C. Fields passed away at the age of 92; and

WHEREAS, Mr. Fields was educated in Baton Rouge, LA and attended Leland College. He served in the United States Army until his honorable discharge in 1945. He built a grocery store on the corner of 20th Street and Center Avenue (Fields' Food Market). This was the first minority owned grocery store in the City of Niagara Falls. He also received the first retail liquor license issued to a minority in Niagara County.

WHEREAS, Mr. Fields was employed by the City of Niagara Falls from 1951 until his retirement in 1981. In 1986, Mr. Fields came out of retirement to work for the New York State Department of Parks and Recreation where he was employed until August of 2004. Mr. Fields was appointed to the Human Rights Commission where he served for 10 years, and on June 1, 1987, he was appointed to the Civil Service Commission where he served faithfully and honorably until his death; and

WHEREAS, Mr. Fields was given recognition of his service to the community including the Levy Brothers Award for Outstanding Achievement in Civic Affairs; the Pauline L. Brown Commissioner's Award; the Niagara Falls City Democratic Committee's Democrat of the Year Award; the Niagara County Black Achiever's Community Service Award; and the Niagara Falls Community Housing Resource Board Family Focus Award.

WHEREAS, Mr. Fields was married to his wife Doris for 66 years and dedicated their lives to family and community.

NOW THEREFORE BE IT RESOLVED, by **the Niagara Falls City Council along with Mayor Paul Dyster**, that we recognize the life accomplishments of Mr. Willie C. Fields, Sr. and recognize that he will be sorely missed by everyone who had the opportunity to know him.

Yeas
Nays

5
0

ADOPTED

RESOLUTION: CIVIL SERVICE COMMISSION, APPOINTMENT, 2008-

Agenda Item #23

Relative to the appointment of Lewis Rotella to the Niagara Falls Civil Service Commission

BY: All Council Members

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Civil Service Commission effective immediately to fill The unexpired appointment of Mr. Willie C. Fields who is recently deceased.

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Mr. Lewis Rotella 8950 Rivershore Drive Niagara Falls, NY 14304	5/31/14

THIS ITEM WAS PULLED AND NO ACTION TAKEN. The Council will accept resumes from October 1, 2008 thru October 10, 2008 for this position.

RESOLUTION: BUDGET MEETING SCHEDULE, 2008-87

Agenda Item #24

Relative to the Budget Meeting Schedule
BY: Council Chair Sam Fruscione

BE IT RESOLVED, By the City Council of the City of Niagara Falls, New York, that it hereby schedules Budget Meetings to commence at 4:00pm in the Council Chambers on:

October 8, 15, 21, and 22; and November 18, 19 and 20.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Fruscione recessed the Meeting at 7:45 p.m. until 4:30 p.m. on October 1, 2008.

Carol A. Antonucci
City Clerk



October 1, 2008

RECESSED COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The October 1, 2008 Recessed Meeting of the Niagara Falls City Council was called to order by Council Chairman Samuel Fruscione at 4:40 p.m. in the City Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr., Steve Fournier, Chris Robins, Charles Walker - 5.

Also present: Mayor Paul A. Dyster, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

The meeting was turned over to Mayor Paul A. Dyster who gave the following comments prior to presenting each Council Member with a copy of the Proposed 2009 Budget

Dear Honorable Members of the Niagara Falls City Council:

I am happy to present to you today the recommended Municipal Budget for the City of Niagara Falls for the year 2009. The presentation of this budget comes at a time of tremendous turmoil in the national and state economies—a stressful situation that has impacted our own finances in significant ways. In spite of this, I am happy to report that we have been able to balance the budget without increasing the tax levy. The nature of the times demanded nothing less. At the same time, I cannot help but caution that what we are now experiencing may be the “calm before the storm.”

When we presented the 2007 audited financial statements, Controller Maria Brown and I both made note that while the City ended 2007 in a strong position, there were numerous storm clouds on the horizon that could impact future budgets. Once again today I want to stress that across the U.S., and especially here in New York State, we face a great deal of financial uncertainty. The impact of events on Wall Street on the State pension fund, the availability of funds for capital project borrowing, the future of Aid and Incentives to Municipalities (AIM) in future state budgets—all these are issues of great uncertainty. Other factors impacting this and future budgets include the rising cost of fossil fuels and energy of all sorts, escalating health care costs, the new Public Safety Building, contractual raises, and the requirement to write-off over \$10.4 million in assessed valuation of non-homestead taxable property—over 2.6% of the total value—largely as a result of state-required changes in the special franchise assessment program.

The good news is that in spite of the many shocks to the state and national economy, the overall economic outlook here in Niagara Falls is bright. A strong Canadian dollar, a relatively stable real estate market, public investment leveraging private investment in our downtown area, and expansion in green collar industries suggest we are making progress in reversing decades of economic decline. But in order to be in a position to benefit from these positive changes, we have to hold the line on taxes, and hence expenses wherever possible.

The City will continue to make wise use of casino revenues to purchase capital equipment, rebuild streets, sidewalks and other critical infrastructure, and grow the future tax base through participation in forward-looking economic development projects. We will use Greenway dollars to

improve waterfront parks and trails and develop heritage tourism sites. We are lucky indeed to have access to these non-tax revenues, which can help fuel an overall economic recovery and grow the future tax base.

The document you have before you is the end product of a process that started months ago. It has been shaped by input from all City department heads, each of whom has sought to use their expertise and experience to control costs in their respective areas. I also want to thank City Administrator Donna Owens for her instructive input, and especially City Controller Maria Brown and her Finance Department staff, who once again gave selflessly of their time and energy to move the budget process to a successful conclusion. Finally, City Council has played a constructive and cooperative role throughout the process of budget formulation, helping to shape policy decisions on a consensus basis and hopefully making the process of budget review easier for all involved.

The proposed budget of \$80,379,175 represents an increase of \$3,694,766, or 5%, from the 2008 budget of \$76,684,409. This increase resulted almost exclusively from increases in non-discretionary expenses; other costs were reduced or frozen at 2008 levels in order to avoid tax increases. Wherever it was possible to eliminate vacant positions, the sacrifice has been made.

Numerous cost-saving efforts have been incorporated into the 2009 budget, such as utilizing low-cost power and transferring demolition costs.

Moreover, the 2009 budget relies heavily on \$3 million of AIM fund balance (drawing down from a 2008 balance of \$5,992,961), which raises concern for future years if it is assumed that increases in AIM funding originally proposed by Governor Spitzer as part of a 4-year plan to assist tax-strapped municipalities are not forthcoming. Fund balance is projected at \$3.7 million, or 4.6%.

The total amount to be raised through property taxes is \$27,374,235. The base proportion for homestead is 53.65455, for non-homestead 46.34545. This represents continuation of the policy, based on consultation with the Council, of adjusting the homestead/non-homestead proportion by 10% in order to move toward eventual equalization of rates. The homestead property tax rate per \$1,000 is \$16.89, non-homestead is \$32.92. This represents a marginal increase of .01% and .005% respectively.

As noted earlier, all municipalities in New York State face a daunting challenge in addressing the economic instabilities that have become apparent in recent weeks. We face many of the same challenges as other New York municipalities, but I believe most other cities would envy the wide range of future opportunities that are available to us here in Niagara Falls. If we have the discipline and dedication to stick to the future we have envisioned for ourselves, better days do indeed lie ahead.

Thanks again to the department heads and their staffs, to the City Administrator, to the City Controller and her staff, and to the City Council for their assistance in putting together the 2009 proposed budget. Together, in a spirit of cooperation, we're moving the City forward in spite of the many challenges that lie ahead.

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 4:55 p.m.

Carol A. Antonucci
City Clerk



OCTOBER 8, 2008

BUDGET WORK SESSION

NIAGARA FALLS, NEW YORK

The October 8, 2008 Budget Work Session of the Niagara Falls City Council was called to order at 4:10 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson Jr., Steve Fournier, Chris Robins, Charles Walker - 5.

Also present: City Administrator Donna D. Owens and City Controller Maria Brown.

Superintendent of Police John Chella reported that crime overall is up 6.7%, with increases in larcenies and burglaries, particularly car break-ins. Also, with the drop in prices for scrap metals, he expects that the number of burglaries for metals will decrease. The Office of Court Administration will fund officers for security in the new Courthouse, and Officers now serving will return to the City's payroll, with a corresponding loss of funds that were reimbursed to the City by the Court System. The City has applied for an additional Weed and Seed Grant, but funding for the grants has been reduced by half. Revenue from parking violations is down because violations on parking meters are not enforced. The Chief reported that the Office of Professional Standards, consisting of one Detective and one Lieutenant, investigates complaints against members of the Police Department. A question was asked about the Detention Aides, and City Controller Maria Brown will check with the Human Resources Department for clarification of full time/part time status and benefits for the Aides. There is an increase in the software line for the Department since it is provided by a service contract and cannot be funded with Casino funds.

Fire Chief William MacKay explained the reductions he had made in equipment requests for this Department, and the purchase of some of the items under the Capital Plan. Council Member Anderson asked if these reductions would affect the safety of the Firefighters, and the Chief responded that funds were requested for some, but not all, safety-related equipment. The number of fire calls has increased. The Budget does not reflect any additional staffing, but there is an overall increase due to contractual obligations.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 6:00 p.m.

Carol A. Antonucci
City Clerk

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OCTOBER 14, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the October 14, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of September 29, 2008 and the recessed meeting of October 1, 2008.

Yeas	5
Nays	0

APPROVED

Len DePrima of LiRo Engineers gave an update on the Court House Project. He reported that the project is approximately 60-65% complete, and on schedule for May occupancy by the City. Unexpected environmental cleanup costs were incurred, and the costs for the move from the Public Safety Building have not been included.

City Administrator Donna Owens asked the following Department Heads to speak for the Administrative Update:

Director of Public Works David Kinney reported that: all street paving is finished, sidewalks will be finished in two weeks, the golf course did well for the season, and he is preparing a bid request to contract out cutting down thirty trees, Forestry crews will do tree trimming, equipment that has been ordered has started to arrive, but the bucket truck has not yet arrived, salt has already been purchased for the winter season and the fleet has been winterized, and he is working on an emergency snow removal plan.

Superintendent of Police John Chella reported that: the Police Department has received accreditation from the NYS Department of Criminal Justice, and the Department will receive an award from the US Attorney's Office for work done on the computerized forensic lab.

Fire Chief William MacKay reported that: the Department should finish 2008 under budget, there have been many cooking fires within the City in the past week, and his Department has worked with the Inspections Department on demolitions of buildings that were the site of fires.

The Administrator informed the Council Members that the trial period with Photo Violations Technologies for parking meters has ended and the meters have been removed by the company, but the infrastructure has not yet been restored by the company. The revenue from credit cards is still outstanding, and the Administrator will prepare a report on the meters for the Mayor to share with the Council.

The Administrator commended City Controller Maria Brown and the Department Heads for preparing a Budget with no tax increase.

Council Member Fournier noted that the SAFER Grant approval was not on the Agenda, and asked Mayor Paul Dyster about the status of the grant. The Grant requires matching funding from the City that increases each year of the Grant, and the Mayor is working with the Controller to fund the Grant without incurring a tax increase. The Mayor said that the minimum staffing level agreement that was reached with the Firefighters Union will expire at the end of the year, and he will meet with the President of the Firefighters Union to discuss the Grant and staffing levels.

Council Member Robins inquired about the status of the Lewiston Road Project, and Civil Engineer Robert Buzzelli responded that the City is still waiting for final approval from CSX. Also, the tennis court project is ready to be bid out for the next season.

Acting Corporation Counsel Thomas O'Donnell distributed copies of a communication relative to the transfer of funds in the DPW Budget to be added to the Agenda.

Council Member Robins moved to add the communication to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #15.

Chairman Fruscione asked Mrs. Brown for the amount of Fund Balance, and she reported that the amount was \$13,383. She also said that she will give a report on the amount of bed taxes collected at the next Council Meeting, when she will have the information from the third quarter of the year available to her.

Council Member Walker asked for an itemized breakdown of how funds were used that the City provided toward the Holiday Festival of Lights for this year and last year.

This Session ended at 4:40 PM

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Robins and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Philip Buffone	Agenda item #5
Dave Bieksza	Agenda item #4 & #10
Roger Spurbach	SAFER Grant, demolitions, audit of Casino Funds
Robert Miller	Complaints against Inspections department
Dave Bieksza	Conditions left on recently demolished properties
Philip Buffone	United Way Building Open-House
Marie Wilson	Condition of properties

The following were RECEIVED AND FILED:
Agenda Item #1
City Clerk's Report for September, 2008.

Agenda Item #2
Claims Report for September, 2008

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FOX FENCE CHANGE ORDER #1

Agenda item #3

RE: Approval of Change Order #1 to contract with Fox Fence for an additional \$4,268.00 for fence replacements

A contract for the above referenced project was awarded to Fox Fence Inc. on April 23, 2008 in the amount of \$65,500.00.

Subsequent to the start of work, multiple additional fence posts and an additional fence assembly were found to be beyond repair. The costs associated with these extra repair items are \$3,878.00 and \$390.00 respectively, for an additional total cost of \$4,268.00. Funding is available under funding code A7110.3460.0443.000.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: DANNY THOMPSON, INC., CORPORATION YARD ROOF REPLACEMENTS

Agenda Item #4

RE: Approval of contract with Danny Thompson, Inc. for \$572,052.00 for roof replacements at Corporation yard

The following was the result of bids received on September 30, 2008, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Danny Thompson Inc. 2102 11th Street Niagara Falls, NY 14305	\$ 572,052.00
Jameson Roofing Inc.	\$ 788,800.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Danny Thompson Inc., at its Base Bid of \$572,052.00. Funding is available from the 2006 and 2007 casino revenue.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: UNITED WAY; HOLIDAY FESTIVAL OF LIGHTS

Agenda item #5

RE: Approval of contract with United Way to fund \$30,000.00 from Tourism Fund Balance towards Holiday Festival of Lights

The United Way is once again sponsoring the Holiday Festival of Lights at Hyde Park and has requested a contribution of \$30,000.00 towards the expenses of running the event as well as the use of the facilities at Hyde Park

Funds are available in the Tourism Fund Balance account T0000.4999.0000. Attached(on file in City Clerk's Office) is a proposed agreement with United Way for this year's Holiday Lights.

Will the Council approve the contribution of \$30,000.00 and the attached agreement and authorize the Mayor to execute the agreement?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: UNIFIED COURT SYSTEM; COURT CLEANING & MINOR REPAIRS

Agenda Item #6

RE: Approval of agreement between UCS and the City for court Cleaning and minor repairs

The current Court Cleaning and Minor Repairs Contract between the Unified Court System and the City of Niagara Falls is effective for a 5-year term running from April 1, 2008 through March 31, 2013 and is divided into annual 1-year periods.

Under Section 1 of the Contract, we are entering into a Renewal Contract for a 1-year period commencing on April 1, 2008 and terminating on March 31, 2009.

The maximum compensation for this Renewal Contract period shall be \$195,103.00.

Will the Council so approve and authorize the Mayor to execute any required documentation to effectuate same?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

POLICE DEPT. GRANT: POLICE LIAISON

Agenda item #7

RE: Approval to accept Grant from The Office of Justice Programs to fund a police liaison

The City has received a Grant from the Office of Justice Programs in the amount of \$25,252.00 to fund a Police Liaison position.

No matching funds are required.

Will the Council approve the receipt of the grant and authorize the Mayor to execute the grant agreement and any other necessary documentation?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CASINO FUNDING: ECONOMIC DEVELOPMENT POSITIONS

Agenda item #8

RE: Approval to designate \$605,000 from URA casino funds to cover 2008 & 2009 City share of Economic Development Positions

It is requested that the Council designate \$605,000 from 2006 URA casino funds to cover the 2008 and 2009 City share of the Economic Development Director's salary and benefits, the 2008 and 2009 City portion of the North Star Coordinator salary and benefits, and the Empire Zone, NFC, URA and Grant Writer positions salary and benefits.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

LAW ENFORCEMENT JUDGMENT TRAINING SYSTEM GRANT

Agenda item #9

RE: Approval to accept a Law Enforcement Judgment Training System Grant

The Police Department has been awarded a \$ 46,000.00 Grant to acquire a Prism Portable Trainer Pro Judgment and Force option training system.

No matching funds are required.

Will the Council approve the receipt of the grant and authorize the Mayor to execute the grant agreement and any other necessary documentation?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CASINO FUND DESIGNATION: CULINARY INSTITUTE

Agenda item #10

RE: Approval of \$1.5 Million grant for project costs for culinary Institute construction

As the Council is aware Niagara Community College is pursuing the placement of the Niagara Falls Culinary Institute in and around the Crowne Plaza Hotel in downtown Niagara Falls. The project includes the creation of substantial construction and permanent jobs. In addition, the project will bring the employees and culinary students to our downtown. We are willing to provide a \$1.5 Million grant for project costs. \$1 Million is available from the 2008 Casino revenues and \$500,000 could come from the 2009 Casino revenues. This amount would match the support that the project is expected to receive from Niagara County.

State Finance Law 99-h regulates the expenditure of the annual casino revenues, and requires the funds to be spent "for such public purposes as are determined, by the city, to be necessary and desirable to accommodate and enhance economic development." The project qualifies under this economic development category.

Grant funds will be disbursed for capital costs. The grantee must demonstrate the availability of the grants, loans and equity necessary to complete the project. The project must be complete by December 31, 2010.

In addition, the College will be seeking to acquire property adjacent to the Hotel which is owned by the Urban Renewal Agency and the City. This will be a subject of separate approval with the City and Agency.

Will the Council approve the designation of the Casino funds for this project?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

4

Anderson, Robins, Walker, Fruscione

Nays

0

Abstained

1

Fournier

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY CORPORATION COUNSEL

CLAIM: JANINE FORTUNA

Agenda Item #11

RE: Approval to settle and pay claim of Janine Fortuna in the amount of \$499.50

Date Claim Filed:	January 8, 2008
Date Action Commenced:	N/A
Date of Occurrence:	October 31, 2007
Location:	8520 Lindbergh Avenue
Nature of Claim:	Damage caused by a City tree.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$499.50
Make Check Payable to:	Janine Fortuna
Conditions:	General Release to City, approved by Corporation Counsel.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: KIM M. ROBERTS

Agenda item #12

RE: Approval to settle and pay claim of Kim M. Roberts in the amount of \$75,000.00

Date Claim Filed:	June 22, 2007
Date Action Commenced:	December 20, 2007
Date of Occurrence:	June 11, 2007
Location:	Tenth Street at intersection with Ferry Avenue
Nature of Claim:	Personal injuries due to being struck by Police cruiser.
City Driver:	Police Officer Charles Fink
Status of Action:	Litigation stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$75,000
Make Check Payable to:	Walsh Roberts & Grace as attorneys for Kim M. Roberts
Conditions:	General Release and Stipulation of Discontinuance to City, approved by Corporation Counsel.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

RESOLUTION: NIAGARA STREET AREA BUSINESS & PROFESSIONAL ASSOCIATION'S ANNUAL DINNER, 2008-88

Agenda item #13

Relative to the Niagara Street Area Business and O+Professional Association's Annual Dinner

BY: All Council Members

WHEREAS, on October 16th, 2008, the Niagara Street Area Business and Professional Association will hold its annual dinner; and

WHEREAS, **Northwind** will be honored as the Business of the Year; and

WHEREAS, **Michael Palmeri, Sr. of Mike's DQ** will be honored as the Business Person of the Year; and

WHEREAS, **Sharon Szvedo** will be the recipient of President's Award; and

WHEREAS, **William Bradberry** will be the recipient of the Leadership Award; and

WHEREAS, **United States Senator Charles E. Schumer** will be the recipient of the Statesman Award; and

WHEREAS, **Larry Krizan - Neighborhood Housing Services** will be the recipient of a Special Award; and

WHEREAS, **Dave Kinney and John Caso - City of Niagara Falls Public Works; Robert Spacone - City of Niagara Falls Trades; the Niagara Gazette; the Niagara Falls Bridge Commission; the Niagara County Legislature; Cal Babcock; and the Niagara Falls Tourism Advisory Board** will be the recipients of the Appreciation Award.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the Niagara Street Area Business and Professional Association's 2008 Business and Community Service Awards.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: SUBMISSION OF PROPOSED 2009 EXECUTIVE BUDGET AND PUBLIC HEARING, 2008-89

Agenda Item #14

Relative to Notice of Submission of Proposed 2009 Executive Budget and Public hearing thereon, 2008-

BY: All Council Members

WHEREAS, on October 1, 2008, the Mayor of the City of Niagara Falls duly submitted to the City Council the proposed 2009 Executive Budget for the City of Niagara Falls; and

WHEREAS, pursuant to Section 5.6.a of the Niagara Falls City Charter, this Council shall cause public notice of submission of said Executive Budget to be published together with a copy of a summary of said budget, and notice of the time and place of a public hearing thereon;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls, New York, NOTICE IS HEREBY GIVEN that on October 1, 2008, the proposed 2009 Executive Budget, a summary of which is attached hereto and made a part hereof, was duly submitted to this Council; and

BE IT FURTHER RESOLVED, that a public hearing be held on October 27, 2008 at 7:00 p.m. Daylight Saving Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2009 Executive Budget, at which time the Mayor, Administrator and Controller shall be present, at which time any person may be heard for or against the proposed budget; and

BE IT FURTHER RESOLVED, that a copy of this resolution calling for a hearing, together with the budget summary, be published in the Niagara Gazette at least one week prior to the date of said hearing; and

BE IT FURTHER RESOLVED, that copies of said proposed budget be made available for inspection in the office of the City Clerk.

Yeas

5

Nays

0

ADOPTED

DPW FUND TRANSFERS

Agenda Item #15

RE: Approval of transfer of funds from various lines in DPW Budget to purchase two salt spreader units

Previously the Council approved funding for various small equipment including purchases in the Department of Parks and Public Works.

The attached memo shows a proposed transfer of remaining funds from several of these lines as well as a transfer from the Forestry Division to allow for the purchase of two salt spreading units.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:50 p.m.

Carol A. Antonucci
City Clerk



OCTOBER 15, 2008

BUDGET WORK SESSION

NIAGARA FALLS, NEW YORK

The October 15, 2008 Budget Work Session of the Niagara Falls City Council was called to order at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson Jr., Steve Fournier, Chris Robins, Charles Walker - 5.

Also present: City Controller Maria Brown.

Inspections Director Guy Bax spoke on revenue from permit fees, which has increased due to the construction of the new Wal-Mart and the HANCI project. He expects that revenue will continue to increase with the hiring of the new Economic Development Director, and downtown hotel renovations. The \$200,000 that had been budgeted for demolitions has been removed, and replaced with \$700,000 from Casino funds. A lengthy discussion was held on the demolition process. Mr. Bax also spoke on the number of Inspector positions in his Department.

Purchasing Agent Dean Spring noted that the overtime in his Department has been eliminated for the person in his Department who does grant writing, and this function will now be performed by a person hired as a Grant Writer in the Planning/Economic Development Department.

Civil Engineer Robert Buzzelli, who is acting as City Engineer, stated that the amount of work that needs to be done in the Engineering Department requires that a City Engineer be hired.

City Controller Maria Brown spoke about the increasing amount of work that she and her Department have undertaken. She noted that a person from her Department is shared with the Community Development Department, and there will be a loss of revenue from the Water Board for services that were performed by staff in the Controller's Office, but are now being done by Water Board employees.

City Clerk Carol Antonucci explained that the amount that was previously budgeted in the Elections line has been split between that line and the overtime and temporary lines. She also addressed the loss in revenue to the City due to lack of enforcement of dog licensing by the SPCA.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 5:15 p.m.

Carol A. Antonucci
City Clerk

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OCTOBER 21, 2008

BUDGET WORK SESSION

NIAGARA FALLS, NEW YORK

The October 21, 2008 Budget Work Session of the Niagara Falls City Council was called to order at 4:20 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson Jr., Steve Fournier, Chris Robins, Charles Walker - 5.

Also present: City Controller Maria Brown.

Acting Corporation Counsel Thomas O'Donnell responded to Council Member Robins' questions on the funding lines for consultants and undesignated legal services. Mr. O'Donnell also said that PERMA is doing a good job of handling compensation cases for the City. Relative to the Risk Management Division, Mr. O'Donnell said that the City will share the cost of a Safety Officer with the Water Board.

City Assessor Dom Penale reported that he has reduced the amount budgeted in the temporary line for his Department. The amount for an independent appraiser has been taken out since there will be no re-assessments this year, and a corresponding revenue line has also been taken out. There will be re-assessments done in 2010, so the lines relating to this will be put back into the 2010 Budget.

Human Resources Director Joyce Serianni noted that a part-time position of Equal Employment Opportunity Compliance Officer has been added to her Budget, but she has reduced the consultant line, which covers the Employee Assistance Program and arbitrators, and the travel and training line. Council Member Walker said that he felt that the travel and training line for this Department should be increased, not decreased.

MIS Director John Cahill said that the budget for his Department had decreased, since Casino funds were being used for equipment purchases.

Economic Development Director Peter Kay responded to the Council Members questions on large increases in different lines in the Budget for his Department by noting that various Departments had been consolidated under his direction, and a Grant Writer position had also been created. Also, the amount budgeted for Interns had also increased, as he felt there was more work that Interns could do.

Library Director Betty Babanoury asked for an additional \$100,000 for the Library Budget.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 5:00 p.m.

Carol A. Antonucci
City Clerk

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OCTOBER 27, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the October 27, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of October 14, 2008 and Budget Work Sessions of October 8, 2008 and October 15, 2008.

Yeas	5
Nays	0

APPROVED

City Controller Maria Brown spoke on bed tax revenues. She said that at the present time, bed tax revenues are down due to renovations at two large hotels, and delinquent filing by certain hotels. The year started out with a surplus in bed tax revenues, and she expects that the year will also end with a surplus. The trolley tax revenue also started the year with a surplus, and she expects that revenue will also end the year with a surplus.

Pat Kuciewski, Executive Director of the Niagara Fine Arts Program, gave highlights of the summer concert series.

In the Administrative Update, City Administrator Donna Owens informed the Council Members that she had completed her report on parking meters, and given the report to the Mayor. She suggested that the Economic Development Director do an analysis of all parking options within the City. Council Member Fournier and Chairman Fruscione expressed their concern about the cost of such a study, and asked that USA Niagara be consulted about a study that was already done, and contribute to the cost of any additional studies.

Police Captain John Demarco spoke on a traffic fatality that occurred over the weekend, and said that the Crime Scene Unit was going over the car involved for evidence.

Fire Chief William MacKay spoke on the SAFER Grant to fund additional Firefighters.

Mayor Paul Dyster reported that he had met with Paul Kessler of the New York Power Authority. The Power Authority has given the City a matching grant to pay the first \$25,000 to fund "green" vehicles for the City, and a partnership for the Ice Pavilion is also in discussion. A Request for Proposals for the Ice Pavilion is due to be returned soon, and options will be considered. The Mayor said that he is going on record that the City is supporting the HOPE VI Project, and a representative of Norstar also spoke on the Project. The Mayor asked that Council Members bring budget concerns to his attention before Budget Amendments are prepared.

Chairman Fruscione asked the Mayor about the permanent appointment of the City Clerk, and the Mayor said that he will look into it.

Council Member Robins suggested that the surplus in the trolley revenue could be used to increase service during special events, and include more destinations in the trolley's route. Mrs. Brown cautioned against depleting the surplus, in case revenue falls short in the future.

A lengthy discussion was held on the transition from the Public Safety Building to the new Court House.

Acting Corporation Counsel Thomas O'Donnell distributed copies of two Items to be added to the Agenda:

1. A communication relative to a construction agreement with CSX for the Lewiston Road Project.

Council Member Walter moved to add the communication to the Agenda.

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #17.

2. A Resolution relative to the addition of hazardous waste land in the State of New York.

Council Member Walker move to add the Resolution to the Agenda.

Yeas 5
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #18.

At 5:05 PM, Council Member Robins moved for an Executive Session to discuss litigation, and his motion was unanimously approved. Council Member Anderson moved to end the Session at 5:15 PM, and his motion was also unanimously approved.

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Fruscione announced a Special Order of Business, a Public Hearing relative to the 2009 Proposed Executive Budget and asked if anyone wished to speak. Ron Anderluh was the only speaker. City Controller Maria Brown was in attendance at the Public Hearing.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Pete Ames	Agenda Item #15
Michael Burke	Agenda Item #10
Ken Hamilton	Agenda Items #3,5,12,15,& 16
Bill MacKay	Agenda Item #10
Bob Miller	Echota District concerns & Inspections Department
Mary Ann Rolland	Block Club concerns & Inspections Department
Sally Perez	Block Club in Michigan Avenue area
Candace Corsaro	Nor Loc Park & other parks
Nicholas D'Agostino	Block Clubs
Ken Hamilton	Main Street concerns

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: JOE CECCONI'S CHRYSLER COMPLEX, CARGO VAN

Agenda item #1

RE: Approval of Bid #33-08 for cargo van from Joe Cecconi's Chrysler Complex for \$37,608.00

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

TO: Joe Cecconi's Chrysler Complex
2380 Military Road
Niagara Falls, NY 14304

FOR: One (1) Dodge Sprinter 2500 cargo van: \$37,608.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Six (6) vendors. The above referenced dealer submitted the only bid.

Funds for this expenditure are available in the 2008 Capital budget code: H0818.2008.0818.0230.000.

Council Member Walker moved that the communication be received and filed and the recommendation approved

Yeas 5
Nays 0

APPROVED

CONTRACT: VISION FORD, MID-SIZED SEDANS

Agenda Item #2

RE: Approval of Bid #34-08 for 6 mid-size SEDANS FROM Vision Ford for a total of \$111,852.00

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

TO: Vision Ford
4545 Ridge Road West
Rochester, NY 14626

FOR: Six (6) Ford Fusion SE Sedans: \$18,642.00 ea. \$111,852.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Sixteen (16) vendors. Eight (8) bids were received. The above referenced dealer submitted the lowest bid.

Funds for this expenditure are available in the 2008 Capital budget code: H0816.2008.0816.0230.000.

Council Member Fournier moved that the communication be received and filed and the recommendation approved

Yeas 5
Nays 0

APPROVED

CONTRACT: NATIONAL VACUUM, INC., CHANGE ORDER #2, ASBESTOS ABATEMENT

Agenda Item #3

RE: Approval of change Order #2 to National Vacuum, Inc. contract in the amount of \$50,022.00

At the City's request, National Vacuum, Inc has submitted a change order proposal for the utility abandonment, asbestos abatement and demolition of two additional properties located at 428 7th Street & 428 ½ 7th Street. These properties were to be included in the original bid specifications, however as they were illegally occupied they were deleted from the bid process to allow the premises to be vacated. All of the preliminary work including stub searches and SHPO clearance has been performed.

The contractor has submitted a price of \$27,800 to abate and demolish 428 7th Street and \$22,222 to abate and demolish 428 ½ 7th Street. Funding for this change order is available in Capital Fund (H0815.2008.0815.0449.599)

Will the Council vote to so approve Change Order #2 with National Vacuum in the amount of \$50,022, thereby increasing the total contract amount to \$428,534 and authorize the Director of Community Development to effectuate same.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

GRANT: PARK PLACE HISTORIC DISTRICT

Agenda Item #4

RE: Approval to accept State Grant of \$2,800.00 for Park Place Historic District

On July 7, 2007, the City Council approved establishment of the Park Place Historic District. The District generally includes Park Place and Fourth Street from Main Street to Cedar Avenue and some lots on the north side of Cedar Avenue.

We have received a State grant for \$2,800.00 under the Certified Local Government Program. The grant funds will be used for a District monument and "topper" signs reading "Park Place Historic District" to be placed on the top of street signs. We will also produce and print a walking tour pamphlet, including GIS mapping. The pamphlet will include information about living in an historic district. The City match of \$2,650.00 will be provided through in-kind services of City employees. We expect to have the entire project complete by late summer, 2009.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

2009 COMMUNITY DEVELOPMENT ANNUAL PLAN & BUDGET

Agenda Item #5

RE: Approval to adopt 2009 Community Development Annual Plan & Budget Attached(on file in City Clerk's Office) is a copy of the proposed 2009 Community Development Department budget including administration and program delivery costs. The proposed budget is part of the City's 2009 Consolidated Annual Plan and Strategy, a HUD mandated planning document that assesses community needs and identifies how the City will address those needs.

The 2009 Annual Plan is the end result of a lengthy and detailed citizen participation process that included neighborhood based meetings designed to encourage comments, suggestions and ideas from various community groups, residents, businesspersons and other interested parties. The planning process began in July and concluded with the expiration of the public comment period on October 17, 2008.

A public hearing was held in the City Council Chambers on September 17, 2008 to review the specifics of the plan and the proposed 2009 budget. A copy of the public hearing minutes and the City's response to comments received during the 30-day comment period are included with this agenda item.

The Department of Community Development will directly administer the federal grant programs listed below. The funding levels indicated are projected revenues for 2009 that may change once Congressional funding appropriations are announced.

Community Development Block Grant	\$2,500,000
CDBG Program Income	385,000
HOME Investment Partnership Program	550,000
HOME Program Income	75,000
Emergency Shelter Grant	110,000
Section 8 Leased Housing Program	3,124,280
<u>PROJECTED FEDERAL REVENUE</u>	<u>\$6,744,280</u>

The Consolidated Plan, including the proposed budgets, must be adopted by City Council and submitted to the U.S. Department of Housing and Urban Development by November 16, 2008. HUD must review and approve the Consolidated Plan in order to establish our letter of credit with the US Treasury. Therefore, Council's approval at this time will represent the officially adopted Community Development, HOME and Emergency Shelter budgets for FY' 2009. The Section 8 Leased Housing Budget is renewed automatically by HUD but must be adopted at this time by City Council.

Will Council vote to so approve the 2009 Annual Plan & Budget and authorize the Mayor to implement all activities specifically identified in the plan? Any activity not specifically identified in the plan will be returned to Council for approval.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

STATE GRANT: PISTOL RANGE

Agenda Item #6

RE: Approval to accept State grant of \$100,000.00 for a pistol range at the new courthouse

The City has received a \$100,000 member item grant through the Office of Assemblywoman Francine DelMonte towards the cost of the pistol range in the new Courthouse complex.

There is no required City match for this grant.

Will the Council approve the acceptance of this grant and authorize the Mayor to execute any documents necessary to effectuate same?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: SECURITY AGREEMENT, UNIFIED COURT SYSTEM

Agenda Item #7

RE: Approval of renewal of Security Contract with the Unified Court System at a maximum of \$653,500.00

The current Security Contract between the Unified Court System and the Niagara Falls Police Department is effective for a 5-year term running from April 1, 2008 through March 31, 2009 and is divided into annual 1-year periods. The current period expired March 31, 2008.

Under Section 1(D) of the Security Agreement, we are entering into a Renewal Contract for a 1-year period which shall commence on April 1, 2008 and terminate on March 31, 2009. During this period, all of the terms and conditions of the Security Agreement shall continue to apply, except the maximum compensation for this Renewal Contract period shall be \$653,500.00

Will the Council so approve and authorize the Mayor to sign any required documentation?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

BUDGET APPROPRIATION: TOURISM, SUMMER EVENTS

Agenda Item #8

RE: Approval to appropriate \$1,819.00 from Tourism Budget for additional expenses for various summer events

The City spent an additional \$1,719.00 in advertising for the various concert events that it sponsored over the course of the summer and also incurred another expense of \$100.00 for a drum kit rental for the Ontario House Reunion.

Will the Council appropriate \$1,819.00 from the Tourism fund budget in order to pay these expenses?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

N.Y. POWER AUTHORITY GRANT: GEM ELECTRIC VEHICLES

Agenda Item #9

RE: Approval to accept Power Authority Grant in the amount of \$25,000.00 towards purchase of two GEM Electric vehicles for the Police Department

The City has received a grant in the amount \$25,000.00 from the New York Power Authority towards the purchase of two GEM electric vehicles for the Police Department.

The balance of the total purchase price of \$27,683.60 for the two vehicles is available in the funds appropriated for Green Initiatives.

Will the Council approve the acceptance of the grant and authorize the Mayor to sign any required documentation?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

SAFER GRANT: FIRE DEPARTMENT

Agenda Item #10

RE: Approval to accept SAFER Grant for the Fire Department to offset some of the costs of hiring additional firefighters and to amend the 2004 settlement agreement with Uniformed Firefighters Local 714 relative to staffing levels

The City has been awarded a Federal Staffing for Adequate Fire and Response (SAFER) grant. This grant would offset some of the cost of hiring eight additional firefighters for a period of four years. During the fifth year, the City would be responsible for 100% of the cost.

The additional firefighters will help the City to increase staffing in accordance with the 2004 agreement with Uniformed Firefighters Local 714 with regard to impact negotiations.

To offset some of the City's cost, Local 714 has agreed to amend the 2004 agreement to reduce the staffing level from 27 to 26 firefighters per shift for the period of the grant.

The City Controller has estimated that the four year cost to the City, in addition to the grant, will be \$2.1 Million. It is requested that the Council designate this matching amount from the Special Projects Fund Balance.

Will the Council approve the acceptance of the grant and authorize the Mayor to execute the grant agreement and to execute an amendment to the 2004 settlement agreement with Uniformed Firefighters Local 714 to reduce the number of firefighters per shift to 26 through December 31, 2013 and to designate \$2.1 Million in the Special Projects Fund Balance for the local costs of the firefighters hired pursuant to the SAFER Grant and to authorize the Mayor to execute any documents necessary to effectuate these items?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

BUDGET AMENDMENT: DEPARTMENT OF PUBLIC WORKS

Agenda item #11

RE: Approval of Budget Amendment of \$38,717.00 to cover gasoline costs in Parks and Trades

Due to the increased cost of gasoline, it is anticipated that the Parks and Trades operations in the Department of Public Works will be short \$38,717.00 for gasoline purchases.

Will the Council appropriate this amount from Fund Balance and distribute it to the following accounts?

Parks	A7110.3450	\$35,586.00
Trades	A1620.2350	\$ 3,131.00

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: N.F. BOARD OF EDUCATION, SAL MAGLIE STADIUM

Agenda Item #12

RE: Approval of extension of use agreement with the N.F. School District for Sal Maglie Stadium

Attached(on file in City Clerk's Office)is a proposed Agreement with the Niagara Falls School District to extend their use of the Sal Maglie Stadium for five years with an additional option for a second five year term.

This extension is for a longer period of time than the prior ones due to the fact that the District is intending to make a sizeable capital investment in putting in a new field.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	3
Anderson, Fournier, Walker	
Nays	0
Abstained	2
Robins, Fournier	

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: NICOLE M. DEAL

Agenda Item #13

RE: Approval to settle and pay claim of Nicole M. Deal in the amount of \$2,883.28

Date Claim Filed:	August 15, 2008
Date Action Commenced:	N/A
Date of Occurrence:	August 12, 2008
Location:	1010 Pine Avenue
Nature of Claim:	Automobile damage sustained in an accident with a City vehicle
Status of Action:	Claim Stage
Recommendation:	Best interests of City to pay claim.
Amount to be Paid:	\$2,883.28
Make Check Payable to:	"Nicole M. Deal"
Conditions:	General Release to City approved by Corporation Counsel.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

RESOLUTION: N.F.MEMORIAL MEDICAL CENTER REQUEST FOR INCREASED STATE PAYMENTS FOR UNCOMPENSATED CARE, 2008-90

Agenda Item #14

Relative to Supporting a request by NFMMC for increased State payments

BY: Council Chair Sam Fruscione
Council Member Robert A Anderson, Jr.
Council Member Steve Fournier
Council Member Chris Robins

WHEREAS, New York State Law requires non-profit hospitals to demonstrate their commitment to providing charity care services and to improve access to healthcare services for the underserved; and

WHEREAS, that law requires non-profit hospitals to prepare annually a statement showing the hospital's resources and what portion of those resources was devoted to free or reduced price services or efforts to increase access; and

WHEREAS, New York operates and administers a Hospital Indigent Care Pool to reimburse hospitals for the free care they provide as well as bad debt incurred with hospitals, other health agencies, Medicaid and insurers paying a percentage of their revenues into a "master pool" from which a portion is allocated for free care/bad debt; and

WHEREAS, hospitals are reimbursed from the pool through a complex formula based in part on the level of unreimbursed care they provided with some funds reserved for "high need hospitals;" and

WHEREAS, Niagara Falls Memorial Medical Center is Niagara County's designated Safety Net Hospital treating all who go there for medical care regardless of their condition or their ability to pay. NFMMC is a regional provider in such specialties as cardiac care and diabetes care. NFMMC has demonstrated sound fiscal stewardship and budgetary management by holding its 2008 expenses to 2007 levels despite absorbing double digit percentage increases in health insurance, utility and bad debt costs while providing high quality medical care to a growing volume of patients; and

WHEREAS, Niagara Falls Memorial Medical Center is nationally recognized by an independent rating firm as the 12th Best Hospital Value in the United States, the Best Hospital Value in Western New York and one of Top 100 Best Kept Hospital Secrets in America. NFMMC provided more than \$6 million of uncompensated care in 2007 and is projected to again provide \$6 million of such care in 2008. NFMMC receives a net annual payment of only \$1 million from the Hospital Indigent Care Pool.

NOW THEREFORE BE IT RESOLVED, that the Niagara County Legislature and the Niagara Falls City Council urge the New York State Legislature and the NYS Department of Health to allocate \$5 Million to NFMMC to reimburse this high need, safety net hospital for a portion of the \$12 million uncompensated care it provided in 2007 and 2008; and

BE IT FURTHER RESOLVED, that the New York State Legislature and the NYS Department of Health reform and restructure the methodology used by the NYS Department of Health so as to increase funding to high need, inner city, safety net hospitals to a level that accurately reflects the costs they incur to deliver care to indigent and medically underserved patients; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the NYS Health Commissioner, Richard M. Daines, M.D.; Senator Charles Schumer; Senator Hillary Rodham Clinton; Congresswoman Louise Slaughter; Governor David Paterson; Senator Antoine Thompson, Senator George Maziarz and Assemblywoman Francine DelMonte.

Yeas		4
	Anderson, Fournier, Robins, Fruscione	
Nays		0
Abstained		1
	Walker	

ADOPTED

RESOLUTION: OPPOSING PROPOSED CHANGES TO THE PUBLIC HEALTH LAW, CONSOLIDATING LOCAL REGISTRARS, 2008-91

Agenda Item #15

Relative to Opposing the Proposed changes to the Public Health Law, consolidating Local registrars of Vital Statistics

BY: All Council Members

WHEREAS, The New York State Local Government Commission of Efficiency and Competitiveness has made certain recommendations to the Governor which affects the operation of local governments; and

WHEREAS, one of the recommendations of the Commission was to move all Registrar of Vital Statistics duties to the County level under the direction of the New York State Health Commissioner; and

WHEREAS, the NYS Department of Health has developed a program bill that would allow the Commissioner to consolidate the function of the local registrars of vital statistics; and

WHEREAS, the NYS Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Statistics duties to the "Pandemic Flu and Public Health Emergency Preparedness Law; and

WHEREAS, the Commissioner could consolidate these services without county legislative approval; and

WHEREAS, the local city, town and village Clerks have provided this service professionally and effectively over the years. The Niagara County Municipal Clerks Association has gone on record as opposing this proposal; and

WHEREAS, losing this important function would create a hardship on the residents. The increase of \$20.00 for a certified copy of a needed document and the cost for transportation would create a barrier for many in need of items such as a birth certificate; not to mention the loss of revenue generated by municipalities for providing this function; and

WHEREAS, the local Registrars presently charge \$10.00 per certified copy. However, NYS proposes that the County will charge \$30.00 per certified copy.

NOW THEREFORE BE IT RESOLVED that the Niagara Falls City Council opposes the consolidation of the function of local registrars of vital statistics and that a copy of this resolution be forwarded to Governor David Paterson, State Senators Antoine Thompson and George Maziarz, and Assemblywoman Francine DelMonte.

Yeas
Nays

5
0

ADOPTED

Agenda Item #16

Relative to honoring Rev. & Mrs. Glen Raybon

BY: All Council Members

WHEREAS, Rev. and Mrs. Glen Raybon will be celebrating their 50th year of Pastoral Services at Trinity Baptist Church; and

WHEREAS, Rev. Raybon was called to the ministry in May 1954. At that time, Rev. and Mrs. Raybon were residing in Lackawanna, New York. They were members of the Mt. Olive Baptist Church; and

WHEREAS, in order to further his education, Rev. Raybon took courses at Bennett High School in Buffalo. By doing this, Rev. and Mrs. Raybon were better able to continue to study "the word." He also took classes through the American Baptist Theological Seminary; and

WHEREAS, for over 23 years, Rev. Raybon was President of the Great Lakes Baptist Association Congress of Christian Education. He was instrumental in increasing their attendance from 50 per session to sometimes almost 500; and

WHEREAS, Rev. Raybon began pasturing at Trinity Baptist Church in Niagara Falls, New York on November 4th, 1958. The Church, at that time, was located on 10th Street near East Falls Street. By 1965, the membership had grown and the church purchased the building where they are currently located, 1366 South Avenue, which was formerly owned by the St. James United Methodist Church; and

WHEREAS, Mrs. Raybon has served by her husband's side faithfully supporting him over the years. She was greatly responsible for forming a youth choir at Trinity and has been supervisor of the choir for a great number of years; and

WHEREAS, Rev. Raybon has not only made tremendous contributions and participations on a local level, but also statewide and nationally in the religious field. Active in the civic and community areas, he was a strong advocate for civil rights and worked diligently with the NAACP, CORE, Niagara Coalition (now the United Way), board member at Niagara Falls Memorial Medical Center, the Niagara Ministerial Council and many others.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council, along with Mayor Paul A. Dyster, recognize and congratulate Rev. and Mrs. Glen Raybon on celebrating their 50 years of pastoral services at Trinity Baptist Church.

Yeas

5

Nays

0

ADOPTED

CONTRACT: CSX, CONSTRUCTION AGREEMENT Lewiston Road railroad Bridge

Agenda Item #17

RE: Approval of construction agreement with CSX for Lewiston Road railroad bridge project

As part of the federally funded reconstruction of Lewiston Road, the railroad bridges near Ontario Avenue are being removed and one is being replaced.

This work requires a construction Agreement between the City and CSX.

The Agreement requires the City to post the sum of \$873,814.00 in a force account with CSX to cover their projected costs related to the project. This cost is Federal Aid eligible and will be included in the ultimate construction contract between the City and the New York State Department of Transportation.

Will the Council approve the Construction Agreement with CSX and authorize the Mayor to execute an Agreement in a form acceptable to the Corporation Counsel?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

RESOLUTION: HAZARDOUS WASTE LAND DISPOSAL CAPACITY, 2008-93

Agenda Item #18

Relative to opposing adding any hazard waste land disposal capacity in the State of New York

WHEREAS, the United States Environmental Protection Agency (EPA), the New York State Department of Environmental Conservation (DEC) and the United States Congress agree that land disposal is the least desirable method of managing hazardous waste; and

WHEREAS, there are only 12 states remaining in the United States which, all told, host 17 commercial hazardous waste landfills, and New York State is one of these states with a landfill in the Town of Porter in Niagara County, typically referred to as the "Model City" site; and

WHEREAS, although commercial hazardous waste landfills have closed in many other states, New York continues to permit the operation of the aforementioned landfill in Western New York; and

WHEREAS, most hazardous waste from remedial cleanup such as New York State brownfields restoration does not go to hazardous waste landfills; and

WHEREAS, on the contrary, New York has historically been a net importer of hazardous waste, including PCB waste, and these imports are transported most often by trucks on the New York State Thruway, and other roads and highways through Niagara and Erie County, including the City of Niagara Falls, to reach their destination in the nearby Town of Porter; and

WHEREAS, monthly records are produced by the DEC which show that trucks have arrived at the hazardous waste landfill gate leaking, and are fined, illustrating the possibility that they may have been leaking on the way to the site through a number of counties; and

WHEREAS, since the EPA has stated that hazardous waste land disposal industry operates in a national marketplace, and further stated that since 1995, the capacity is adequate "now, and in the foreseeable future;" and

WHEREAS, it is counterintuitive for New York State to continue to expand capacity at the Town of Porter landfill, when sufficient capacity already exists and which may restrain investments in safer, alternative solutions to such waste disposal; and

WHEREAS, the State of New York must, now and in the future, adhere to EPA guidelines taking into account permanency and environmental harm when addressing the issue of hazardous waste disposal, recognizing that land disposal is not a permanent solution and that it poses risks, including the documented leaks cited above; and

WHEREAS, the NYS Department of Environmental Conservation has issued a draft Hazardous Waste Siting Plan that continues the unnecessary importation of hazardous waste, which brings additional risk to the health of Western New York residents; and

WHEREAS, the Niagara Falls City Council supports sustainable and attractive economic growth and regards hazardous waste landfills as a non-renewable and counter-productive use of our regional assets, posing permanent risk to the environment locally, and to the Great Lakes watershed regionally, and imposing an undesirable image on our community, thereby impeding efforts to expand tourism throughout Niagara.

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council join with its colleagues in the Niagara and Erie County Legislatures to oppose the addition of any hazardous waste land disposal capacity in the State of New York, and specifically at the Model City site in the Town of Porter in Niagara County; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be conveyed to Governor David A. Paterson, NYS-DEC Commissioner Pete Grannis, Attorney General Andrew Cuomo, the City of Buffalo Common Council, the Niagara County Legislature, and the Erie County Legislature.

Yeas
Nays

5
0

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci
City Clerk



OCTOBER 22, 2008

BUDGET WORK SESSION

NIAGARA FALLS, NEW YORK

The October 22, 2008 Budget Work Session of the Niagara Falls City Council was called to order at : p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Steve Fournier, Chris Robins, Charles Walker - 4.

Absent: Robert Anderson, Jr.

Also present: City Controller Maria Brown.

Parks and Public Works Director David Kenney and Deputy Director John Caso addressed the Budget for their Department.

Council Member Robins asked City Controller Maria Brown to provide a year-to-date budget summary for each Department.

Mr. Kinney noted that there will be an increase in the contract costs for security at the New Road facility due to the increase in the minimum wage in 2009. A discussion followed on alternatives to having a private company provide security at the facility, including use of Homeland Security funds to purchase security cameras.

A lengthy discussion was held on the amount budgeted for gasoline for all Departments. Mrs. Brown noted that the Budget was prepared when gasoline prices were much higher than they are now, and she cautioned against reducing these lines, as gas prices may rise again. She suggested that if gasoline lines are reduced by the Council, that the amounts be put in to contingency accounts which may be transferred from if gas prices do go up again.

Council Member Fournier requested a schedule of the street cleaning routes.

Mrs. Brown also noted an increase in fees for garbage pickup, since the Clean Team has generated more trash.

Council Member Robins suggested that more overtime funding be added to the Forestry Division.

The Council Members requested that the Administration keep them informed about all matters concerning the new Court House, the long term plan for use of the property at 520 Hyde Park Boulevard, the transition plan for the move from the old building to the new building, and the E911 tower that is presently on the building on Hyde Park Boulevard.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 5:40 p.m.

Carol A. Antonucci
City Clerk

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NOVEMBER 18, 2008

BUDGET WORK SESSION

NIAGARA FALLS, NEW YORK

The November 18, 2008 Budget Work Session of the Niagara Falls City Council was called to order at 4:15 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson Jr., Steve Fournier, Chris Robins, Charles Walker - 5.

Also present: Acting Corporation Counsel Thomas O' Donnell and City Controller Maria Brown.

The Council adopted 71 Budget Amendment resolutions.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 4:35 p.m.

Carol A. Antonucci
City Clerk

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NOVEMBER 24, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the November 24, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr., Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Senior Planner Thomas DeSantis introduced Lawrence Bice of Behan Planning and Design who spoke on the City's proposed Comprehensive Plan and Zoning Amendments. Steve Ricca, Attorney, also answered the Council Members' questions on the Plan.

In her Administrative Update, City Administrator Donna Owens noted that: fourteen new Firefighters were sworn in; a transition meeting for the new Public Safety Building was held; and, the Public Works Department has started to use some of their new equipment. Also, the City Hall Tree Lighting Ceremony will be held on December 2 at 4:30 PM

Superintendent of Police John Chella reported that negotiations with bar owners on Third Street have stopped, and City Police will now be enforcing violations.

Mayor Paul Dyster spoke on the Hope VI Project, and said that the City was waiting for new test results from additional samplings before committing funding for the Project. In response to Council Member Anderson, he said that there were no Federal Agencies involved in the Project that he was aware of. The Mayor said that he had submitted a walk-on Agenda Item for a 20% City match for comfort station improvements at the Century Club site, and the goal was to have the work completed by Memorial Day. In response to Council Member Fournier, he said that the City was discussing a partnership with the New York Power Authority and the Board of Education for use of the Ice Pavilion, and Civil Engineer Robert Buzzelli added that the RFP should be ready to go out this week.

Public Works Director David Kinney responded to Council Member Anderson that the equipment needed to cut down the large trees in the City had arrived, but the City was still waiting for the needed paperwork to register the vehicle. Also, Mr. Kinney addressed Council Member Walker's concerns about the amount of leaves that still need to be picked up around the City.

Acting Corporation Counsel Thomas O'Donnell distributed copies of two Items to be added to the Agenda.

1. A communication relative to accepting a grant with a 20% City match for the Century Club site.

Council Member Robins moved to add the communication to the Agenda.

Yeas

5

Nays

0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #13.

2. A communication relative to appointment of the Corporation Counsel and establishment of the salary.

Council Member Robins moved to add the communication to the Agenda.

Yeas 5

Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #14.

Council Member Robins moved to remove the communication from the table.

Yeas 5

Nays 0

MOTION TO REMOVE COMMUNICATION FROM TABLE APPROVED

Council Member Robins moved to amend the communication by substituting a new communication.

Yeas 5

Nays 0

MOTION TO AMEND COMMUNICATION APPROVED

This Session ended at 4:45 PM

Chairman Fruscione reconvened the Meeting at 7:03 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Lawrence Bice of Behan Planning and design spoke on the City's proposed Comprehensive Plan and Zoning Amendments.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Ken Hamilton	Agenda item #6
Owen Steed	Agenda Item #6
Ron Cunningham	Agenda item #6
Rev. Jimmie Seright	Agenda item #6
James W. Pitts	Agenda item #6
Linda Goodman	Agenda item #6
Pete Gorton	Agenda Item #6
Statement from Legislator Jason Murgia	Agenda Item #6
Paul Gromosiak	Support of City Planner
Ken Hamilton	Questioning permeable paving

The following was RECEIVED AND FILED:
Agenda Item #1
City Clerk's Report for October, 2008.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CHANGE ORDER #1, LOCKPORT BRIDGE

Agenda Item #2

RE: Approval of Change order #1 for consultant services for the reconstruction of Lockport Street bridge in the amount of \$16,933.00

A contract for the above referenced project was awarded to Urban Engineers of New York, P.C., The Brisbane Building, 403 Main Street, Suite 530 Buffalo, New York 14203, in the amount of \$635,288.00.

Subsequent to the start of the design of this project, the initial Environmental Analysis of the right-of-way and report revealed five discrete locations of either elevated petroleum products, metals or industrial-type solvents related to past uses of the properties adjacent to the road reconstruction project. It is the recommendation of the New York State Department of Transportation, New York State Department of Environmental Conservation the project design firm to investigate those locations further to avoid unnecessary and costly delays as the project progresses. This additional site testing and analysis is beyond the original scope of the design and will result in a net increase of \$16,933.00 to the project. Sufficient funding presently exists within our current funding agreement with New York State Department of Transportation.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of \$16,933.00, increasing the contract total to \$652,221.00. Funding is available in Code H0633.2006.0633.0449.599.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

COMMUNITY DEVELOPMENT ANNUL PLAN

Agenda Item #3

RE: Approval of 2009 Community Development annual plan Budget Amendments

The Department of Community Development is requesting that two budget amendments to the 2009 Consolidated Annual Plan be considered by City Council. The 2009 Annual Plan was adopted by City Council at the November 10, 2008 meeting.

Budget Amendment #1 - Loan Technician Upgrade from Grade 18 to Grade 20

It is recommended that this position be upgraded from the current grade 18 to grade 20 effective January 1, 2009. This would reflect a salary increase of \$1,751.35 to an annual salary of \$48,861.14 in 2009. This upgrade was not included in the CD administrative detail adopted by Council as the required City approvals were not all in place at that time. We are now in a position to recommend this upgrade. Community Development Funds will be available in budget code CRP008 for 2009.

Budget Amendment #2 - Emergency Shelter Grant Funding to Odallam Inc.

The narrative portion of the 2009 Consolidated Plan and the HUD Project list indicated that \$10,000 in ESG funding would be provided to Odallam Inc for operating costs associated with their shelter located at 915 Ferry Avenue. The project was inadvertently omitted from the ESG line item budget page and we are asking that Council now approve this appropriation.

Will the Council vote to so approve the amendments and authorize the Director of Community Development to effectuate same?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: JMD ENVIRONMENTAL, INC., ASBESTOS SERVICES

Agenda Item #4

RE: Approval of contract with JMD Environmental. Inc. for Community Development 2009-2010 asbestos services

The Department of Community Development received bids for the referenced project on November 17, 2008. Listed below are the bids that were received, the low bidder being JMD Environmental at \$123,300. The asbestos services contract includes asbestos surveys, sample analysis and air monitoring relative to City demolition contracts. The bid amount is a maximum contract upset fee for a two-year period beginning January 1, 2009 and ending December 31, 2010.

<u>CONTRACTOR</u>	<u>BASE BID</u>
JMD Environmental, Inc.	\$123,300
Stohl Environmental, LLC	\$132,100
Upper New York State Environmental (UNYSE)	\$138,000
Buffalo Environmental/AFI	\$144,900

It is the recommendation of the undersigned that this project be awarded to the low bidder, JMD Environmental at their base bid of \$123,300. Funding is available in Community Development Budget Code CDR099.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: CHANGE ORDER MARK CERRONE, INC OLD FALLS STREET

Agenda Item 5

RE: Approval of change order #1 for Old Falls Street, west Mall Project for a time extension

The contract for the above referenced project was awarded to Mark Cerrone Inc. 2368 Maryland Avenue, Niagara Falls, NY 14305 on September 29, 2008 in the amount of \$4,376,043.00.

Subsequent to the start of this project, the anticipated funding from the State of New York to the City of Niagara Falls experienced a three-week delay. The delay is no fault of the Contractor Mark Cerrone Inc. who had executed the contract documents in a timely matter. This delay was discussed with all the stakeholders involved and it is the recommendation of undersigned that a no cost Change Order for a request of time extension to complete the project be approved. Change Order #1 allows the completion date and all associated bonuses and penalties to be moved from June 5th, 2009 to June 29th, 2009.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

HOPE VI REMEDIATION PLAN

Agenda Item #6

RE: Approval of city commitment of casino revenues to the HOPE VI Project

As you know, the HOPE VI Project has been delayed by the problem of incinerator ash discovered under the Center Court Park playground. We are still working out the final details of the ash excavation and disposal, including the type of fill which can be used in utility trenches and other issues. The overall principle is that excavated ash will be removed from foundations, roads, utility trenches, water main trenches and similar areas. Two feet of clean fill will be placed within the HOPE VI area as required by Department of Environmental Conservation and other applicable regulatory agencies. All excavated material will be disposed of in an appropriate landfill. Plastic barriers to mark the boundaries between ash and clean fill are required. In some instances (around water lines), protective barriers may be required.

You may recall that the City approved a grant of \$3 Million to the Project, with \$2 Million to be used for hard costs for Phase 1 and \$1 Million to be used for hard costs for Phase 2. The State has agreed to provide \$1 Million of the \$3 Million City grant from the City casino funds that the State was holding. The City transferred the other \$2 Million to the Housing Authority. We are told that the additional remediation work will cost in excess of \$3 Million. The City is prepared to commit or promise assistance to meet these costs.

First, we will allow the \$1 Million of the City's \$3 Million grant which was reserved for Phase 2 to be used for Phase 1 remediation costs. Next, the City will grant \$1 Million of 2007 casino revenues received in 2008 to Phase 1 remediation costs. Finally, the City will express its intent to appropriate \$1 Million of 2008 casino revenues to Phase 1 remediation costs. These 2008 revenues cannot be appropriated at this time, and further Council action will be required to validate this "promise" when the 2008 casino revenues are received in 2009.

Former Mayor Anello, in a letter dated May 1, 2006, "pledged" \$2 Million in CDBG or HOME funds to Phase 2 of the Project. The Mayor was not authorized to make that "pledge," and revenues of the City can only be appropriated for each year in the annual budget process. The \$2 Million of additional funds for Phase 1 remediation proposed under this action will fulfill Mayor Anello's "pledge." Upon payment of these funds, the City will have fulfilled its promises for the HOPE VI Project. There will be no obligation, legal or otherwise, for the City to provide additional funds.

This \$5 Million grant is without precedent. The \$5 Million grant is an indication of City's commitment to revitalization of the Highland Avenue neighborhood and the City's support for housing for its citizens.

The City funds granted for remediation will remain on deposit with the City until needed for hard costs only. The funds may not be used for architects, lawyers, engineers or developers fees, project administrative costs, NFHA administrative costs or other soft costs. All permits and approvals must be obtained prior to the expenditure of City grant funds. NFHA and its development partners have stated that they will provide funds for all costs exceeding the City \$3 Million grant and for all soft costs associated with the remediation, including monitoring and reporting as may be required. City funds will be released upon proof of incurring of the costs. The final City draw of \$100,000 will be released only upon completion of all remediation work. The City and NFHA will enter into a grant agreement regulating the use of the funds and reflecting the approvals set forth herein.

Will the Council vote to approve the commitment of casino revenues to the HOPE VI Project as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas		4
	Anderson, Robins, Walker, Fruscione	
Nays		1
	Fournier	

APPROVED

Council Member Anderson is concerned about the safety of the area. Council Member Robins complimented the public support for this project. Council Member Walker feels that due diligence was used.

STATE URBAN AREA SUPPLEMENTAL PROGRAM GRANT

Agenda item #7

RE: Approval to accept State urban Area Supplemental Program Grant
The Police Department has been awarded \$140,000.00 under the above referenced Grant program.

Funding for this is provided by the U.S. Department of Homeland Security and the Federal Emergency Management Agency.

There is no City match required.

Will the Council approve the acceptance of the Grant and authorize the Mayor to execute the Grant agreement and other required documentation to effectuate the Grant?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: JAMES DALEY

Agenda Item #8

RE: Approval to settle and pay claim of James Daley in the amount of \$90.00

Date Claim Filed:	November 5, 2008
Date Action Commenced:	N/A
Date of Occurrence:	September, 2008
Location:	Baldassara Collision, 1119 11 th Street, Niagara Falls, New York
Nature of Claim:	Storage fees due to lack of notification.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$90.00
Make Check Payable to:	James Daley
Conditions:	General Release to City, approved by Corporation Counsel.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CLAIM: INDEX #135037, PETER & ELIZABETH POBLETE, 8121 VALLE DR.

Agenda item #9

RE: Approval to settle Index No. 135037 relative to Peter & Elizabeth Poblete, 8121 Valle Drive, Unit C-1 in the amount of \$30,000.00

The Plaintiffs were the owners of 8121 Valle Drive, Unit C-1.

This property was included in the City's last In Rem proceeding and was ultimately sold at auction.

At the auction the City netted \$30,000.00 more than the outstanding taxes.

The Plaintiffs had paid the outstanding City taxes prior to the In Rem auction and the property proceeded to auction due to the fact there were outstanding Niagara County taxes. Supplemental notices were not received prior to the auction by the Plaintiffs due to an incorrect address in the City's records.

It is the recommendation of this office that the City settle this matter by the payment of \$30,000.00 to Kathleen Gaines, as attorney, subject to the receipt of a stipulation of discontinuance and a general release in a form acceptable to the Corporation Counsel.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda item #10

Re: Approval of appointment of commissioner of deeds for a term from January 1, 2009 through December 31, 2010

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2009 to December 31, 2010.

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

Alexis, Angel	Department of Engineering
Alvarez, Lorrie	NFPD
Andrews, Gloria	207-84 th St., Niagara Falls, NY 14304
Baldwin, Kathleen M.	839-17 th St., Niagara Falls, NY 14304
Bevilacqua, Gary	8421 Buffalo Ave #26, Niagara Falls, NY 14304
DeCicco, Joelle	Law Department
Etopio Jr., Thomas J.	NFFD
Ewing, Thomas G.	NFPD
Garlitz, Denise J.	2247 Grand Ave., Niagara Falls, NY 14301
Heichel, Patricia J.	Office of the City Clerk
Larrabee, Shawn	NFPD
Letty, Robin	487-26 th St., Niagara Falls, NY 14303
Lipniarski, Deborah	2709 Woodlawn Ave., Niagara Falls, NY 14301
McCune, Patricia	NFPD
Pennell, Bobbie J.	8532 Krull Parkway, Niagara Falls, NY 14304
Thomason, Laura	337 Oak St., Youngstown, NY 14174

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE PLANNING BOARD

RECEIVED AND FILED

Agenda Item #11

RE: Recommendation to adopt the 2008 Niagara Falls Comprehensive Plan and Zoning Ordinance Updates

WHEREAS, the Planning Board of the City of Niagara Falls previously determined, by resolution dated February 27, 2007, that adoption of a 2007 City of Niagara Falls Comprehensive Plan and associated amendments to the City of Niagara Falls Zoning Ordinance is required and necessary to promote greater social opportunity and enhanced quality of life, guide the physical revitalization of the neighborhoods and other community districts, and encourage greater economic prosperity throughout the City of Niagara Falls; and

WHEREAS, on February 27, 2007, the Planning Board further determined that comprehensive zoning amendments and reform will positively affect the immediate and long-range protection, enhancement, growth and development of the state and the Niagara Region generally, and the City of Niagara Falls specifically; and

WHEREAS, the aforementioned 2007 Comprehensive Plan and associated Zoning Amendments were the culmination of a widely publicized and open planning process dating back until at least the spring of 2003; and

WHEREAS, the Planning Board has, since its prior determinations on February 27, 2007, further examined the provisions of the 2007 Comprehensive Plan and Zoning Amendments and made certain additional changes thereto which are designed to address concerns expressed by the public and various City officials, to clarify the documents, further the purposes and intent of the Comprehensive Plan, and enhance consistency of the proposed zoning changes with applicable enabling legislation and other legal and procedural requirements; and

WHEREAS, the aforementioned changes are embodied in a draft 2008 Comprehensive Plan and draft Zoning Ordinance dated October 11, 2008, and such changes are summarized in Section I(A)(2) of a Draft Generic Environmental Impact Statement (DGEIS) dated October 8, 2008 which has been prepared in accordance with the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, this body of work represents years of community involvement, city staff efforts, professional legal, design, and land use planning consultation, and the diligent effort by the Planning Board; and

WHEREAS, the future of our City mandates that we have a clear plan of action and accompanying rules and regulations to ensure our economic viability and to improve the **quality of life for our citizens; and**

WHEREAS, our sense of place and the success of our City depends upon having an appropriate guide for development and real property investment that creates places that will add to our assets, quality of life, and the human environment; and

WHEREAS, the draft 2008 Comprehensive Plan and draft Zoning Ordinance dated October 11, 2008 provide a sound basis for discussion and refinement by the City Council to achieve the aforementioned objectives; and

WHEREAS, the Planning Board members are amenable to fully participate in work sessions with City Council as needed to further understanding and discussion of these documents.

THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Niagara Falls does hereby make the following findings:

- 1.The Planning Board duly noticed and conducted a public hearing on November 5, 2008 concerning the draft 2008 Comprehensive Plan and draft Zoning Ordinance dated October 11, 2008, and has heard and considered all public comments submitted up to and including November 5, 2008; and
- 2.Due to the current social, economic, land use and other conditions described in Part I of the draft 2008 Comprehensive Plan, the revisions reflected in the draft 2008 Comprehensive Plan and draft Zoning Ordinance dated October 11, 2008 are required and necessary to promote greater social opportunity and enhanced quality of life, guide the physical revitalization of City neighborhoods and other community districts, and encourage greater economic prosperity throughout the City of Niagara Falls; and
- 3.The revisions reflected in the draft 2008 Comprehensive Plan and

draft Zoning Ordinance dated October 11, 2008 will positively affect the immediate and long-range protection, enhancement, growth and development of the state and the Niagara Region generally, and the City of Niagara Falls specifically; and

4. The draft 2008 Comprehensive Plan and draft Zoning Ordinance dated October 11, 2008 will further the purposes set forth in Section 1300.01 of the City's current Zoning Ordinance for the reasons detailed throughout the 2008 Comprehensive Plan itself and in the accompanying October 8, 2008 DGEIS; and

5. The changes to the City's zoning regulations reflected in the draft Zoning Ordinance dated October 11, 2008 are fully consistent with, and were prepared in direct response to, the purposes and intent of the draft 2008 Comprehensive Plan; and

6. The draft 2008 Comprehensive Plan and draft Zoning Ordinance dated October 11, 2008 will otherwise be protective of the public health, safety and general welfare of City residents.

AND, BE IT FURTHER RESOLVED, that the Planning Board recommends that the City Council, upon receipt of this recommendation, act to:

1. Declare itself lead agency for purposes of compliance with SEQRA;
2. Determine that the proposed adoption of the draft 2008 Comprehensive Plan and draft Zoning Ordinance dated October 11, 2008 constitutes a "Type I" action under SEQRA;
3. Issue a determination of significance under SEQRA (i.e., a Positive Declaration) reflecting the Council's determination that preparation of a Generic Environmental Impact Statement for the action is appropriate;
4. Expeditiously review and refine, if necessary, the draft 2008 Comprehensive Plan, draft Zoning Ordinance dated October 11, 2008 and DGEIS dated October 8, 2008;
5. Thereafter issue a Notice of Completion of the DGEIS and schedule a public hearing for purposes of receiving further public comments with respect to the proposed action in accordance with SEQRA and General City Law § 28-a(7)(b);
6. Duly refer the aforementioned Comprehensive Plan, Zoning Ordinance and DGEIS, with any City Council refinements, to the Niagara County Planning Board in accordance with § 239-m of the General Municipal Law; and
7. Thereafter issue a Final GEIS based upon all public comments received and render its independent findings under SEQRA with respect to the aforementioned Comprehensive Plan and Zoning Ordinance, and act affirmatively to adopt those proposed documents.

I certify that the above resolution was adopted at a meeting of the Niagara Falls Planning Board held November 12, 2008.

RESOLUTION: AMENDING CHAPTER 365 OF THE CODIFIED ORDINANCES ENTITLED "TAXICABS AND TAXICAB DRIVERS", 2008-99

Agenda Item #12

Relative to amending Chapter 365 of the Codified ordinances entitled "Taxicabs and Taxicab drivers"

BY: Council Member Chris Robins

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 365 of the Codified Ordinances entitled ATaxicabs and Taxicab Drivers@ is hereby amended by amending Section 365.34 to read as follows:

365.34 RATES OF FARE: RATE CARD REQUIRED.

No owner or driver of a taxicab shall charge a sum for the use of a taxicab other than the following rates:

(a) ~~Two Dollars and thirty cents (\$2.30)]~~ Two Dollars and forty cents (\$2.40) for the first one-sixth mile or any portion thereof;

(b) Forty cents (\$.40)] Fifty cents (\$.50) for each additional one-sixth mile thereafter;

...

Bold and Underlining indicate Additions.

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

Yeas
Nays

5
0

ADOPTED

CENTURY CLUB SITE GRANT

Agenda item #13

RE: Approval to accept grant for century Club Site of \$220,640.00 with a City match of \$55,160.00

The City is applying for a Recreational Trails Program Grant through the New York State Department of Parks Recreation and Historic Preservation. The project is for paving and other improvements at the former Century Club site. The total project cost is \$275,800.00 and the grant would be for \$220,640.00 with a City match of \$55,160.00. The funding for the City share is available in the Special Grant fund.

Will the Council approve applying for the Grant and authorize the Mayor to execute the application and if approved any agreements and other documents necessary to accept the Grant?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CORPORATION COUNSEL, APPOINTMENT AND SALARY

Agenda Item #14

RE: Appointment of corporation Counsel and establishment of salary

I hereby appoint Craig H. Johnson, 86 Grayton Rd, Tonawanda, NY to the position of Corporation Counsel.

As the Council is aware the Community Foundation of Greater Buffalo's "Build a Better Niagara Fund" has agreed to fund the search for this position and to also subsidize the increased salary that is required to attract the preferred candidate.

Based on discussions with Council, the City will not use the Foundation's subsidy for this position.

The salary that was agreed to is \$93,000.00 annually.

Will the Council vote to confirm the appointment of Craig H. Johnson, and to establish the salary of \$93,000.00 annually commencing with the start of his employment?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED AS AMENDED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 8:02 p.m.

Carol A. Antonucci
City Clerk



NOVEMBER 24, 2008

BUDGET WORK SESSION

NIAGARA FALLS, NEW YORK

The November 24, 2008 Budget Work Session of the Niagara Falls City Council was called to order at 4:50 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson Jr., Steve Fournier, Chris Robins, Charles Walker - 5.

Also present: Acting Corporation Counsel Thomas O' Donnell and City Controller Maria Brown.

The Council adopted 7 Budget Amendment Resolutions.

RESOLUTION ADOPTING THE 2009 PROPOSED EXECUTIVE BUDGET WITH AMENDMENTS AND DIRECTING TRANSMISSION OF THE SAME TO THE MAYOR

RESOLUTION 2008-98

BY: Council Member Robert Anderson, Jr
Council Member Steve Fournier
Council Member Chris Robins
Council Member Charles Walker
Council Chairman Samuel Fruscione.

WHEREAS, on October 1, 2008, the Mayor duly presented this Council with the Proposed Executive Budget for 2009, including a capital plan; and

WHEREAS, the required public hearing on said proposed executive budget was held on October 27, 2008, at which the Council and the City Controller were present, notice of which was published on October 18, 2008; and

WHEREAS, this Council thereafter met and considered the said Proposed Executive Budget and after due deliberation amended the same; and

WHEREAS, Section 5.6 (d) of the Niagara Falls City Charter requires the Council to transmit the Executive Budget to the Mayor with any amendments on or before December 1, 2008;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls, New York, that the Proposed Executive Budget for 2009 is hereby adopted as amended, which amendments, identified as budget resolutions numbers 1 through 78 inclusive, are attached hereto and made a part hereof; and be it further

RESOLVED, that the Clerk of this Council is directed to immediately transmit a copy of this resolution, together with the aforesaid amendments, to the office of the Mayor on or before the end of December 1, 2008; and be it further

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 5:05 p.m.

Carol A. Antonucci
City Clerk

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NOVEMBER 12, 2008

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

November 3, 2008

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Wednesday, November 12, 2008 at 4:00 p.m. and 7:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. To consider and act on the agenda for November 10, 2008 Council Meeting

Respectfully submitted,

Samuel Fruscione
Council Chairman

The first session of the November 12, 2008 Niagara Falls Special City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:12 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr, Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, Acting Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of October 27, 2008 and budget Work Sessions of October 21, 2008 and October 22, 2008.

Yeas	5
Nays	0

APPROVED

In her Administrative Update, City Administrator Donna Owens informed the Council Members that the City has a snow plan in place, and interviews were held for the Youth Director position.

Mayor Paul Dyster said that a draft RFP for the Ice Pavilion has been prepared, and the City was open to all options for the use of the building. Also, a partnership with the Board of Education and the New York Power Authority would also be considered. Agenda Item #11 relative to the Hope VI Remediation Plan was pulled from the Agenda, and may be acted on at a Special Meeting of the Council within the next two weeks. The Mayor spoke on the search process for the Corporation Counsel position, and introduced Craig Johnson, who spoke on his experience and qualifications for the position, and responded to the Council Members' questions.

Council Member Fournier inquired about a snow plan for the alleys and leaf pickup, and Director of Public Works David Kinney responded.

Council Member Anderson asked about repairs to New Road, and Civil Engineer Robert Buzzelli replied that the 2009 Paving Program is in discussion.

City Administrator Owens responded to Council Member Walker's questions about new equipment purchases and the use and replacement of older equipment.

Council Member Robins inquired about enforcement of the residency requirement, and Acting Corporation Counsel Thomas O'Donnell said that one employee had resigned, and a hearing was scheduled for another employee. Council Member Robins also added that additional funding may be needed in the 2009 Budget to continue the enforcement process. Mr. O'Donnell also informed the Council that the City has made a request for a conference with the Judge regarding the Golf Dome litigation. Mr. Buzzelli informed the Councilman that the Lewiston Road Project is ready to go. In response to the Councilman's questions on the 2009 Capital Plan, City Controller Maria Brown said that since the amount of Casino funds that the City will receive is not known and allocations need to be put aside for the Hope VI Project, the Plan is on hold. She said that the Council can still have a Plan in place, and it can be implemented as funds are received.

A discussion was held on funding positions at the New Public Safety Building.

Mr. O'Donnell distributed copies of three Items to be added to the Agenda:

1. A Resolution relative to World Diabetes Day.
Council Member Walker moved to add the Resolution to the Agenda.
Yeas 5
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED
The Resolution was added to the Agenda as #23.

2. A communication relative to an agreement for professional engineering services for the new fuel dispensing station at the Corporation Yard.

Council Member Walker moved to add the communication to the Agenda.
Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
The communication was added to the Agenda as #24.

3. A communication relative to the appropriation of \$15,000 from Casino Funds for the purchase of paving materials.

Council Member Robins moved to add the communication to the Agenda.
Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
The communication was added to the Agenda as #25.

Council Member Robins moved to amend Agenda Item #14 relative to funding for emergency repairs to Niagara Falls Memorial Medical Center's parking ramp.

Yeas 4
Anderson, Fournier, Robins, Fruscione
Nays 0
Abstain 1
Walker

AMENDMENT APPROVED

Purchasing Agent Dean Spring responded to Council Member Robins' question on Agenda Item #2 relative to tree removal that a timeline was included in the contract, and Mr. Kinney added that new trees are being planted.

This Session ended at 5 PM

Chairman Fruscione reconvened the Meeting at 7:06 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Chairman Fruscione who then led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Ron Anderluh	Agenda items #12 & #13
Ken Hamilton	Agenda item #11
Ron Anderluh	Zoning & Comprehensive plan height restrictions

The following was RECEIVED AND FILED:
Agenda Item #1
Claim's Report for October, 2008.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CASINO FUNDS APPROPRIATION

Agenda item #2

RE: Approval to appropriate \$28,600.00 from Casino Funds for tree removal

As part of the City's continuing efforts to revitalize neighborhoods, a bid was solicited, which appears elsewhere on your agenda, to cut down and remove 30 city street trees.

To fund this project, it is requested that \$28,600.00 of Casino Funds be appropriated.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: HERITAGE TREE CARE, TREE REMOVAL

Agenda Item #3

RE: Approval of Bid #36-08 for tree removal services from Heritage Tree Care for \$28,600.00

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

TO: Heritage Tree Care

PO Box 607

Wilson, NY 14172

FOR: Removal of Thirty (30) trees on City margins;

including stump removal and ground restoration: \$28,600.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to twelve (12) vendors. Eight (8) bids were received. The above referenced company submitted the lowest bid.

A separate item is on the Council's agenda requesting approval of the funding source for this expenditure.

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: BIEL'S INFORMATION TECHNOLOGY SYSTEMS, MICROFILMING & SCANNING

Agenda Item #4

RE: Approval of Bid #29-07 for microfilming and scanning architectural drawings from Biel's Information Technology Systems

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

To: Biel's Information Technology Systems
1201 Indian Church Road
Buffalo, NY 14224-1383

FOR: Microfilming and scanning architectural drawings per the attached tally sheet

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to seventeen (17) vendors. Two (2) bids were received. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the New York State Archives Records Management Grant code: S1460.000.0449.599.

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: VALLEY FAB & EQUIPMENT, INC., FLAT BED BODY

Agenda Item #5

RE: Approval of Bid #35-08 for one flat bed body from Valley fab & Equipment, Inc. for \$9,960.00

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

TO: Valley Fab & Equipment, Inc.
9776 Trevett Road
PO Box 380
Boston, NY 14025

FOR: One (1) flat bed body: \$9,960.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (5) vendors. Two (2) bids were received. The above referenced dealer submitted the lowest bid. A bid was also received from Snowfighting Equipment & Consultants of Buffalo, Inc. (\$12,586.00).

Funds for this expenditure are available in the 2008 Capital budget code: H0822.2008.0822.0250.000.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

EMERGENCY DEMOLITIONS & BOARD-UPS, BUDGET AMENDMENT

Agenda Item #6

RE: Approval to appropriate \$150,000.00 from fund balance for Inspections Department Emergency demolitions and board-up fund

The Inspections Department has depleted the funds available for Emergency Demolitions and Board-Ups.

Funds are used after fires and other emergencies so it is difficult to precisely estimate the amount needed for the balance of the year but it is recommended that \$150,000.00 be appropriated from fund balance to cover these possible expenses through the balance of 2008.

Any sums that are not used will revert to fund balance.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

LASALLE CANOE TRAIL PROJECT GRANT

Agenda Item #7

RE: Approval of Intergovernmental Agreement between Niagara County and the City for the LaSalle Canoe trail project grant

The Niagara County Environmental Fund has ordered \$85,000.00 for the implementation of the LaSalle Canoe Trail Project.

Niagara County is acting as a pass through to the City for these funds and therefore an Intergovernmental Agreement between the County and the City is required. The City will be responsible for all work on the project and documentation necessary to receive the funds from the Environmental Fund. The City will also indemnify the County of any liability arising under the Agreement.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

LASALLE SENIOR FACILITY, BLINDS, MATS, COPIER

Agenda Item #8

RE: Approval to purchase blinds, mats and copier for LaSalle Senior facility for 41,884.00 from monies left from Capital Improvement fund

There is \$3,396.00 left over from the capital improvement fund that was initially used to purchase carpet for LaSalle Senior Facility.

It is requested that a portion of these remaining funds be used to purchase new blinds, mats and copier totaling \$1,884.00.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

FIRE DEPARTMENT GRANTS, CARDIAC DISEASE REDUCTION PROGRAM & CAPITAL IMPROVEMENTS

Agenda Item #9

RE: Approval to accept Fire department grants of \$8,100.00 for Cardiac Disease reduction

The Fire Department has been awarded an \$8,100.00 grant to launch a Cardiac Disease Reduction Program and a \$2,500.00 grant for the Capital improvements.

No matching funds are required.

Will the Council approve the receipt of these grants and authorize the Mayor to execute the grant agreements and any other necessary documentation?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

BOARD OF BELLEVIEW LOCAL DEVELOPMENT CORP., APPOINTMENT

Agenda item #10

RE: Approval to appoint Anthony F. Quaranto to the Board of Bellevue Local Development Corporation

I hereby appoint Anthony F. Quaranto to the Board of Bellevue Local Development Corporation.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

HOPE VI REMEDIATION PLAN

Agenda item #11

Re: Approval of City commitment for HOPE VI Remediation Pplan

As you know, the HOPE VI Project has been delayed by the problem of incinerator ash discovered under the Center Court Park playground. We are still working out the final details of the ash excavation and disposal, including the type of fill which can be used in utility trenches and other issues. The overall principle is that excavated ash will be removed from foundations, roads, utility trenches, water main trenches and similar areas. Two feet of clean fill will be placed within the HOPE VI area as required by Department of Environmental Conservation and other applicable regulatory agencies. All excavated material will be disposed of in an appropriate landfill. Plastic barriers to mark the boundaries between ash and clean fill are required. In some instances (around water lines), protective barriers may be required.

You may recall that the City approved a grant of \$3 Million to the Project, with \$2 Million to be used for hard costs for Phase 1 and \$1 Million to be used for hard costs for Phase 2. The State has agreed to provide \$1 Million of the \$3 Million City grant from the City casino funds that the State was holding. The City transferred the other \$2 Million to the Housing Authority. We are told that the additional remediation work will cost in excess of \$3 Million. The City is prepared to commit or promise assistance to meet these costs.

First, we will allow the \$1 Million of the City's \$3 Million grant which was reserved for Phase 2 to be used for Phase 1 remediation costs. Next, the City will grant \$1 Million of 2007 casino revenues received in 2008 to Phase 1 remediation costs. Finally, the City will express its intent to appropriate \$1 Million of 2008 casino revenues to Phase 1 remediation costs. These 2008 revenues cannot be appropriated at this time, and further Council action will be required to validate this "promise" when the 2008 casino revenues are received in 2009.

Former Mayor Anello, in a letter dated May 1, 2006, "pledged" \$2 Million in CDBG or HOME funds to Phase 2 of the Project. The Mayor was not authorized to make that "pledge," and revenues of the City can only be appropriated for each year in the annual budget process. The \$2 Million of additional funds for Phase 1 remediation proposed under this action will fulfill Mayor Anello's "pledge." Upon payment of these funds, the City will have fulfilled its promises for the HOPE VI Project. There will be no obligation, legal or otherwise, for the City to provide additional funds.

This \$5 Million grant is without precedent. The \$5 Million grant is an indication of City's commitment to revitalization of the Highland Avenue neighborhood and the City's support for housing for its citizens.

The City funds granted for remediation will remain on deposit with the City until needed for hard costs only. The funds may not be used for architects, lawyers, engineers or developers fees, project administrative costs, NFHA administrative costs or other soft costs. All permits and approvals must be obtained prior to the expenditure of City grant funds. NFHA and its development partners have stated that they will provide funds for all costs exceeding the City \$3 Million grant and for all soft costs associated with the remediation, including monitoring and reporting as may be required. City funds will be released upon proof of incurring of the costs. The final City draw of \$100,000 will be released only upon completion of all remediation work. The City and NFHA will enter into a grant agreement regulating the use of the funds and reflecting the approvals set forth herein.

Will the Council vote to approve the commitment of casino revenues to the HOPE VI Project as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

THIS ITEM WAS PULLED FROM THE AGENDA.

NO ACTION WAS TAKEN.

GADAWSKI'S RESTAURANT; GRANT

Agenda Item #12

RE: Approval of transfer of \$15,000.00 of 2007 casino funds to N.F. Urban Renewal Agency for N.F.C. Development Corp. Capital Improvement grant and loan to Gadawski's restaurant

Gadawski's Restaurant at 1445 East Falls has been a fixture on the East Side for over 40 years. Although the surrounding neighborhood has deteriorated, the restaurant continues to attract patrons and has acted as an anchor for the area.

This application for a loan and grant is a carryover from the "significant impact grants" previously approved. Mr. Gadawski had contacted the Mayor to be included when funds were available. Since we now received all the required documents for this loan/grant request, we want to process it as part of that program.

This loan and grant will maintain a longtime business located in an Urban Renewal area. The project qualifies under the neighborhood revitalization and economic development criteria of State Finance Law 99-h for the expenditure of the annual casino revenues.

Grant and loan funds will be disbursed for capital renovation costs. The applicant must demonstrate the availability of the grants, loans and equity necessary to complete the project. Loan terms will be approved by the N.F.C. board. The project must be complete by December 31, 2009.

Funding is available for this project from 2007 casino revenues allocated to Niagara Falls Urban Renewal Agency.

Will the Council vote to authorize the transfer of \$15,000 to Niagara Falls Urban Renewal Agency, for transfer to N.F.C. Development Corp. for a grant and loan of casino revenues as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

RAPIDS THEATER 1711 MAIN STREET RESTORATION PROJECT

Agenda Item #13

RE: Approval of transfer of \$250,000.00 of 2007 casinno funds to N. F. Urban Renewal Agency for N.F.C. Development Corp., Capital improvement grant to Rapids theater 1711 Main Street Restoration Project

John Hutchins purchased the former Rapids Theater at 1711 Main Street at the 2007 City tax foreclosure auction. He is working to obtain the funds necessary to renovate the property and create a venue which can become a destination concert hall and community gathering place for special events. To date, Mr. Hutchins has invested approximately \$300,000 into the building. The total costs for project are estimated to be \$1.2 Million.

The project will generate approximately 20 construction jobs. When completed, the operations will include 4 to 6 full time employees, plus up to 30 part time employees for events. In addition, the venue will contract with a third party for security at special events.

The project qualifies under the neighborhood revitalization and economic development criteria of State Finance Law 99-h for the expenditure of the annual casino revenues. This project will be a valuable addition to the north end development mix. It can be an example to spur other private investment into the area. The project will restore this valuable building in an area which is being revitalized with the Courthouse and Family and Children's Services project. Mr. Hutchins is also renovating buildings he has purchased at 1906-08 and 2002 Main Street.

Funding is available for this project from 2007 casino revenues allocated to Niagara Falls Urban Renewal Agency. The actual grant conditions will be determined by the N.F.C board.

Will the Council vote to authorize the transfer of \$250,000 to Niagara Falls Urban Renewal Agency, for transfer to N.F.C. Development Corp. for a grant of casino revenues as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

MEMORIAL MEDICAL CENTER PARKING RAMP REPAIRS

Agenda Item #14

Re: Approval to appropriate \$137,335.00 of casino funds for emergency repairs to NFMCC's Parking Ramp

The parking ramp owned by Niagara Falls Memorial Medical Center is in need of emergency repairs. The hospital has requested the City's assistance in funding these repairs.

It is estimated that the cost of these repairs will be approximately \$137,335.00 and request that the Council appropriate up to \$137,335.00 of Casino Funds to pay for the cost of these repairs.

These costs are set forth on the attached letter dated November 5, 2008.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved as amended.

Yeas		4
	Anderson, Fournier, Robins, Fruscione	
Nays		0
Abstained		
	Walker	

APPROVED

CONTRACTS: YOUTH BOARD; SALVATION ARMY, BOYS & GIRLS CLUB, CATHOLIC CHARITIES

Agenda Item #15

RE: Approval of Youth Board Contracts with Salvation Army, N.F. Boys & Girls Club and Catholic Charities

The City's Youth Board enters into funding contracts with various entities. The City is reimbursed for the funding of these agreements by the State of New York.

The proposed agreements for 2007 and 2008 are as follows:

- 1) Salvation Army, \$9,051.00 and \$8,684.00;
- 2) Niagara Falls Boys & Girls Club, \$9,000.00 and \$7,786.00; and
- 3) Catholic Charities - Niagara District, \$6,312.00 (2007 only).

Will the Council approve entering into the Agreements with the listed entities and authorize the Mayor to execute contracts in a form acceptable to the Corporation Counsel?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

POLICE AND PROBATION ACCOUNTABILITY GRANT, AMENDMENT

Agenda Item #16

RE: Approval of amendment to the Police and Probation Accountability Grant for an increase of \$78,093.00

The City has received an increase of \$78,093.00 for the above referenced Grant which is shared with the Community Missions and Probation Department.

The required match is from in-kind services.

Will the Council approve the acceptance of this increase and authorize the Mayor to execute any contract amendments and other required documentation to effectuate this increase?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CORPORATION COUNSEL, APPOINTMENT AND SALARY

Agenda Item #17

RE: Approval of appointment of Craig H. Johnson as Corporation Counsel and establishing the salary at \$93,000 by appropriating \$7,000.00 from contingency fund and \$18,000.00 provided by the Build a Better Niagara Fund

I hereby appoint Craig H. Johnson, 86 Grayton Rd, Tonawanda, NY to the position of Corporation Counsel.

As the Council is aware the Community Foundation of Greater Buffalo's "Build a Better Niagara Fund" has agreed to fund the search for this position and to also subsidize the increased salary that is required to attract the preferred candidate.

The 2008 proposed budget contained a proposed salary of \$75,000.00 for Corporation Counsel which was reduced by Council Amendment to \$68,000.00 with the \$7,000.00 being put into a contingency account.

The salary that was agreed to is \$93,000.00 annually.

Will the Council vote to confirm the appointment of Craig H. Johnson, and to establish the salary of \$93,000.00 annually commencing with the start of his employment and will the Council vote to appropriate \$7,000.00 from the contingency fund to fund the increased salary with the difference to be provided by the Build a Better Niagara Fund?

Council Member Fournier moved that the communication be tabled

Yeas	3
Nays	2

Fournier, Robins, Walker	
Anderson, Fruscione	

TABLED

POLICE GRANT: BUFFER ZONE PROTECTION PLAN

Agenda Item #18

RE; Approval to accept Police Department grant of \$182,875.00 from NYS Office of Homeland Security under the Buffer Zone Protection Plan

The Police Department has been awarded an \$182,875.00 Grant from the New York State Office of Homeland Security under the Buffer Zone Protection Plan.

There is no City match required.

Will the Council approve the acceptance of this grant and authorize the Mayor to execute the grant agreement and any other necessary documentation?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CLAIM: RENEE FIORENTINI

Agenda Item #19

RE: Approval to pay arbitration award of Renee Fiorentino in the amount of \$475,000.00

Date Claim Filed: July 2, 2002

Date Action Commenced: May 19, 2003

Date of Occurrence: April 10, 2002

Location: Intersection of Buffalo Avenue and Portage Road

Nature of Claim: Personal injuries sustained in an accident with City vehicle

City Driver: George H. Crawley

Status of Action: Post - Arbitration Award

Recommendation/Reason: State Supreme Court Arbitration Award

Amount to be Paid: \$475,000.00

Make Check Payable to: Lipsitz, Green, Scime, Cambria, LLP as attorneys for Renee Fiorentini

Conditions: General Release to City, approved by Corporation Counsel.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

RESOLUTION: MAIN STREET BUSINESS & PROFESSIONAL ASSOCIATION ANNUAL DINNER,
2008-94

Agenda Item #20

Relative to the Main Street Business and Professional Association Annual Dinner

BY: All Council Members

WHEREAS, on November 14, 2008, the Main Street Business and Professional Association will hold their Annual Awards Dinner; and

WHEREAS, **Maid of the Mist** will be honored as the Business of the Year; and

WHEREAS, **Paulette Shine** will be honored as the Business Person of the Year; and

WHEREAS, **Candra Thomason** will be the recipient of the George Kurtzman Award; and

WHEREAS, **Frank Brzezinski** will be the recipient of the President's Distinguished Service Award; and

WHEREAS, **Dr. Rocco LaRocca** will be the recipient of the Michael A. Brundidge Community Service Award; and

WHEREAS, **Luis Gonzalez** will be the recipient of the Rainbow Award; and

WHEREAS, **the Main Street Post Office** will be the recipient of the Beautification Award; and

WHEREAS, **the Municipal Courthouse Advisory Committee Members; Christopher Brown, Laurie Davis, William Williamson, Arthur Garabedian, Shawn J. Weber, Thomas G. Pryce and Paul Tronolone** will receive Special Recognition; and

WHEREAS, **Salvatore Pino, Heather Wolcott and Mary Jo Zacher** will be the recipients of the Angel Awards.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the Main Street Business and Professional Association's 2008 Business and Community Service Awards.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: WORLD DIABETES DAY, 2008-97

Agenda Item #23

Relative to World Diabetes day

BY: All Council Members

WHEREAS, on November 14, 2008 Niagara Falls Memorial Medical Center alongside hundreds of people with diabetes, their families, professionals involved in diabetes healthcare and supportive members of the surrounding community, will collaborate to recognize and celebrate World Diabetes Day by hosting the event "Rockin' World Diabetes Day" at the Hard Rock Café in downtown Niagara Falls, New York USA; and

WHEREAS, Diabetes has become a major concern to the medical community and society as a whole. More than one million New Yorkers are currently diagnosed with diabetes, while 450,000 more have the disease, but are unaware of it. Based on national statistics, another five million New Yorkers are estimated to have a pre-diabetic condition, and while recent studies have shown that eating healthy and physical activity can prevent or delay the onset of type 2 diabetes - even in high risk individuals - the prevalence of diabetes calls for greater focus and support for research into its causes, most effective treatments and ultimate cure; and

WHEREAS, World Diabetes Day is an international call to action to heighten awareness of the worldwide epidemic of diabetes.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York recognizes and observes with those gathered on this day, November 14, 2008, the efforts and noteworthy goals of World Diabetes Day, and on behalf of the fine citizens of Niagara Falls, New York express our gratitude to Niagara Falls Memorial Medical Center, the Diabetes and Endocrinology Center of Niagara and the American Diabetes Association of Western New York for their contributions to improving diabetes awareness, advocacy, and health care in Western New York and beyond.

Yeas 5
Nays 0

ADOPTED

CONTRACT: FOIT-ALBERT ASSOCIATES ARCHITECTURE, ENGINEERING AND SURVEYING, P.C.

Agenda Item #24

RE: Approval of agreement with Foit-Albert for professional engineering service for the new fuel dispensing station at the Corporation Yard

As the Council is aware, the City has been in the process of designing a new fuel dispensing station at the Corporation Yard, and the Council previously authorized the issuance of bonds to pay for this project.

The City has been in discussions with other municipal users of the fuel dispensing station and is in the process of submitting a joint shared services grant which, if awarded, would substantially pay for this project.

However, due to the imminent deadline of applying for this grant and the workload of the Engineering Department, it is requested that the Council authorize an agreement with Foit-Albert Associates Architecture, Engineering and Surveying, P.C. to do the design of this project at a cost of \$34,250.

Funding is available in Capital Funds.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

STREET PATCHNG FUND APPROPRIATION

Agenda Item #25

RE: Approval to appropriate \$15,000.00 from Casino Funds for the purchase of paving materials

It is requested that the \$15,000.00 be appropriated from Casino Funds for the purchase of paving materials.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:27 p.m.

Carol A. Antonucci
City Clerk



DECEMBER 8, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the December 8, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr., Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, Corporation Counsel Craig H. Johnson and Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meetings of November 12, 2008 and November 24, 2008 and Budget Sessions of November 18, 2008 and November 24, 2008.

Yeas
Nays

5
0

APPROVED

In her Administrative Update, City Administrator Donna Owens noted that the City's contract with the SPCA expires on December 31, and a new contract is being negotiated. Chairman Fruscione asked that Council Member Anderson be included in the discussions with the SPCA.

City Assessor Dominic Penale spoke on the Homestead/Non-Homestead ratios.

Director of Public Works David Kinney recommended that the Council approve Agenda Item #3, relative to rental of snow removal equipment as needed. He said that there were equipment breakdowns of old equipment during the recent snowfall, and leaf pickups are not being done on a regular schedule. He introduced the new Associate Youth Director, Patricia Travis, who gave her background information. Council Member Robins asked that more innovative ideas be used to encourage the use of the night gyms and the parks.

Mr. Kinney also reported on repairs at the Ice Pavilion, and that the lessee has been addressing some of the maintenance issues. Civil Engineer Robert Buzzelli added that the date for the return of RFP's for the Ice Pavilion has been extended until after the first of the year.

Superintendent of Police John Chella reported that it was the City Police Department that instigated the investigation that led to the arrest of a Niagara Falls Police Officer, the District Attorney and the State Police were also involved in the investigation, the Officer involved is presently on a paid administrative leave, and anyone with additional allegations is encouraged to come forward as the investigation is ongoing. Mayor Dyster commended the Chief for his work during the internal investigation. Superintendent Chella also spoke on Ms. Travis's work with the Police Department.

Sherry Shepherd-Corulli spoke on Agenda Item #8, a shared services grant application with the County, the Water Board and the Board of Education.

Mayor Dyster explained that due to the length of time required for delivery, the equipment for the Public Works Department for 2009 is going to be ordered before the end of the year so that it will be available when it is needed.

Council Member Robins commended the Fire Chief and his Department for the work they do for the Toy Fund and Christmas Party for the elderly. Mr. Buzzelli again reported that the Lewiston Road Project is on schedule.

City Controller Maria Brown spoke on a Capital Plan for streets and sidewalks, and the use of Casino funds for these projects.

Mr. Kinney will prepare a report on the conditions at the City boat docks and a plan for repairs. He also noted that he was able to purchase equipment for the playground that will be at the South Junior site at 2008 prices, even though the equipment will be ordered and delivered in 2009.

Council Member Walked suggested that the Mayor, Administrator and Department Heads meet regularly to discuss the spending of Casino funds.

Mayor Dyster also reported that he and the City Administrator participated in a conference call with the transition group of President-Elect Obama to discuss the needs of cities.

This Session ended at 5 PM

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Ron Anderluh	Agenda Items #4 & #7
Laurie Davis	Agenda Item #4
Thomas Trainor	Agenda Item #4
Dan Vecchies	Agenda Item #4
John Hutchins	Written process for developers
Hal Faba	Planning issues
Jerry Genova	complaints about doing business in the City
Dan Vecchies	Senior Planner position
Zack Casale	Master Plan & Zoning Ordinances

THE FOLLOWING WERE RECEIVED AND FILED:

Agenda Item #1
Notice of Mayor's approval of Ordinance 2008-99 relative to "Taxicabs and taxicab Drivers"

Agenda Item #2
Claims report for November, 2008

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: ARMAND CERRONE, INC., SNOW REMOVAL EQUIPMENT

Agenda Item #3

RE: Approval of Bid #37-08 with Armand Cerrone, Inc. for rental of snow removal equipment

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

TO: Armand Cerrone, Inc.
4625 Witmer Road
Niagara Falls, NY 14305

FOR: Items 1-56, per the attached tally sheet.

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to six (6) vendors. The above referenced company submitted the only bid.

Funds for this expenditure will be made available in the Department of Parks and Public Works, Snow Removal Equipment code: A5142.0000.0442.003.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

AREA REVITALIZATION COORDINATORS: CASINO FUNDS

Agenda Item #4

RE: Approval to use casino funds for Area Revitalization Coordinator Positions in the amount of \$36,000.00

Due to the reduction of funding available to the Community Development Department it was determined that funding for the Area Revitalization Coordinator Positions be removed from the Community Development budget and funded from Casino funds.

Therefore, will the Council designate Casino funds for the Niagara Street, Pine Avenue/NHS and Main Street/Center City Area Revitalization Coordinators in the amount of \$12,000.00 each (a total of \$36,000.00) and authorize the Mayor to execute funding Agreements in a form acceptable to the Corporation Counsel?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

Council Member Walker said that the money for this should stay in Community Development.

CONTRACT: UCS AND UC OF NIAGARA FALLS; COURT CLEANING & MINOR REPAIRS

Agenda Item #5

RE: Approval of agreement between USC and UC of Niagara Falls for court cleaning and minor repairs

At your October 14 meeting you approved the above referenced contract indicating that for the April 1, 2008 thru March 31, 2009 period the maximum compensation was \$195,103.00.

Because this renewal, also includes potential cost for certain wiring in the new court house the actual maximum reimbursement for this fiscal year is \$1,309,035.00

Will the Council so approve and authorize the Mayor to execute any required documentation?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY CORPORATION COUNSEL

CLAIM: SMITH, MELINDA

Agenda Item #6

RE: Approval to settle and pay claim of Melinda Smith in the amount of \$714.70

Date Claim Filed:	September 26, 2008
Date Action Commenced:	N/A
Date of Occurrence:	July 1, 2008
Location:	17 th Street and LaSalle Avenue, Niagara Falls, New York
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Police Officer Nicolas Granto
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	714.70
Make Check Payable to:	"Melinda Smith"
Conditions:	General Release to City, approved by Corporation Counsel.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

2009 LOCALLY ADJUSTED TAX LEVY PROPORTIONS

Agenda Item #7

RE: Approval of locally adjusted proportions 2009 City Tax Levy

In accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and Section 1903-4c of the Real Property Tax Law, I have calculated the locally adjusted proportions for the City of Niagara Falls 2009 tax levy:

City of Niagara Falls

Homestead	53.65455
Non-Homestead	46.34545

This calculation represents a 10% shift to the homestead class.

Will the Council so approve?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

RESOLUTION: LOCAL GOVERNMENT EFFICIENCY GRANT APPLICATION FOR SHARED FUELING FACILITY, 2008-100

Agenda Item #8

Relative to Local Government Efficiency Grant Application for Shared Fueling Facility

BY: All Council Members

WHEREAS, the New York Department of State, division of local government has a shared municipal service incentive grant program; and

WHEREAS, the City of Niagara Falls, the County of Niagara, the Niagara Falls School District, and the Niagara Falls Water Board are applying for a Grant from the Efficiency Implementation Grant Program for the Shared Fueling Facility to be located at the City's Corporation Yard as set forth on the attached schedule A;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that the Mayor is authorized to file the Shared Municipal Services Grant application on behalf of the City; and

BE IT FURTHER RESOLVED, that the City Council supports the Grant application as shown on the attached exhibit A and plans to fund the City's local share from Casino revenue; and

BE IT FURTHER RESOLVED, that if the Grant is approved, that the Mayor is authorized to execute any agreements or other documentation to implement the Grant.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: PROPOSED AMENDMENTS TO CHAPTER 1330 AND CHAPTER 1331 OF THE CODIFIED ORDINANCES, 2008-101

Agenda Item #9

Relative to proposed amendments to Chapter 1330 and Chapter 1331 of the Codified Ordinances

BY: Council Chairman Samuel Fruscione

WHEREAS, Section 1308.05 of the Codified Ordinances provides the procedure for amending the Zoning Ordinance; and

WHEREAS, one of these methods is by Council adoption of a resolution of intention to amend which resolution shall, upon adoption, be referred to the Planning Board; and

WHEREAS, it is the intention of this Council to amend Chapters 1330 and 1331 of the Zoning Ordinance as shown on the attached resolutions;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it intends to amend Chapters 1330 and 1331 as set forth on the attached(on file in the City Clerk's Office) resolutions; and

BE IT FURTHER RESOLVED, a copy of this resolution is forwarded to the Planning Board for its review and recommendation.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:50 p.m.

Carol A. Antonucci
City Clerk



DECEMBER 22, 2008

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The first session of the December 22, 2008 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Jr., Steven Fournier, Chris Robins, Charles A. Walker - 5.

Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, Acting Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Robins moved to approve the Minutes from the City Council Meeting of December 8, 2008 and Special Meeting of December 8, 2008.

Yeas

5

Nays

0

APPROVED

Leonard DePrimo from LiRo gave a Courthouse update. He said that the Project is moving along well, and on schedule for April completion and a move in date of May 12. He also noted that the total cost will be approximately \$47.5 M. Council Member Robins asked about the purchase of furniture, and Mr. DePrimo responded that the Court will purchase all new furniture, and the City may receive some of the current furniture that will not be needed by the Courts. City Administrator Donna Owens informed the Council Members that the Transition Team has been meeting regularly to discuss the move from the Public Safety Building to the new Courthouse. Council Member Robins asked that the Council Secretary receive notice when the Transition Team will be meeting so that any interested Council Members can attend.

City Administrator Owens commended the City Department Heads for the work done during the snow storm.

Public Works Director David Kinney noted that the new equipment in his Department was a big help during the storm. Council Member Anderson asked about hiring additional help during weather emergencies to help clean the City up faster, and he also addressed an Ordinance to get cars off the streets so that the streets can be cleared quicker. Council Member Fournier asked Building Commissioner Guy Bax about the City Ordinance requiring homeowners and businesses to keep their sidewalks cleared, and Mr. Bax responded that one of the Building Inspectors from his Department could help in this if needed.

Economic Development Director Peter Kay reported on his meetings with Niagara University relating to tourism.

Council Member Fournier spoke about conditions at the Ice Pavilion, and Mr. Kinney responded that the City is addressing repairs relating to safety hazards, and the lessee is responsible for maintenance issues. Civil Engineer Robert Buzzelli reported that the RFP's have been sent out, and are returnable in mid-January.

Mr. Kay also reported that he is working on a parking analysis and an updated lot usage survey.

City Administrator Owens also reported that she and the Mayor have been involved in regular discussions with the Transition Team of President-Elect Obama. During the talks, she said the suggestion was made to distribute the economic stimulus package through CDBG funding.

Council Member Anderson questioned purchases using Casino funds (Agenda Item #8), and City Controller Maria Brown spoke on the Item, noting that this is funding that the City already has, not funds yet to be received.

Deputy Corporation Council Thomas O'Donnell distributed copies of a Resolution to be added to the Agenda relative to appointments to the Planning Board.

Council Member Robins moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #25.

Chairman Fruscione asked for an itemized list for use of funds from a City grant to Ashland Advanced Materials (Agenda Item #2), and Mr. Kay responded that he would look into the matter.

Chairman Fruscione asked Purchasing Agent Dean Spring about the vehicles that were being purchased (Agenda Item #3), and Mr. Spring informed him that the vehicles were for the Mayor and Fire Chief.

Chairman Fruscione moved to amend Agenda Item #8 by removing \$19,000 in funding for the Planning Department, and his motion was unanimously approved.

This Session ended at 5:10 PM

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Robins and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or community interests, and the following spoke:

Paul Gromosiak	Beauty of Niagara Falls in winter
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The following was RECEIVED AND FILED:
Agenda Item #1
City Clerk's Report for November, 2008.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

ASHLAND ADVANCED MATERIALS: GRANT

Agenda Item #2

RE: Approval of \$80,000 Grant to Ashland Advanced Materials for landscaping and fencing at 6100/6200 Niagara Falls Blvd.

As you know, Ashland Advanced Materials, LLC is in the final stages of completing site work and renovations to the \$19 million project at the 15 acre Niagara Falls Boulevard site. The way has been cleared for the applicable DEC permits, and it is hoped that the factory will be opened in January. The development is projected to create 75 new industrial jobs in Niagara Falls over the next three years.

One of the concerns raised in connection with the project has been the appearance of the completed development. To alleviate that concern, we are proposing a casino revenues grant of up to \$80,000 to pay for fencing and landscaping costs. The grant funds will be available when the project is complete and the facility is in operation, and when the landscaping and fencing costs are documented. The grant is an eligible economic development expenditure under State Finance Law 99-h(4) (i).

Will the Council vote to approve the grant as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same? Council Member Robins moved to table the communication.

Yeas	5
Nays	0

TABLED

CONTRACT: WEST HERR FORD, HYBRID 4X4 SUV

Agenda Item #3

RE: Approval of Bid #41-08 to West Herr Ford for two Hybrid 4X4 SUV for a total of \$63,993.00

We respectfully request you award the above referenced bid as follows

TO: West Herr Ford

5025 Camp Road

Hamburg, NY 14075

FOR: Two (2) New and unused Ford Escape gasoline/
electric hybrid 4x4 compact sport utility vehicles: \$30,248.00 ea.
\$63,993.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to ten (10) vendors. Two (2) bids were received. The above referenced dealer submitted the only bid to meet our specifications. Dave Smith Ford, LLC also submitted a bid of \$37,774.90 (\$18,887.45 each).

Funds for this expenditure are available in the 2008 Capital budget code: H0823.2008.0823.0230.000.

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: F. TAYLOR TREE SERVICE; TREE REMOVAL

Agenda Item #4

RE: Approval to re-award Bid #36-08 for tree removal services to F. Taylor Tree Service in the amount of \$52,200.00

At its meeting of November 10, 2008, the Council awarded the above referenced bid to Heritage Tree Care (see attached copy of the Council letter, on file in the City Clerk's Office). Since then the contractor has been attempting to obtain the necessary insurance coverage without success. Last week, we were notified that the company will be unable to commence working on removing the trees.

We have contacted the next low bidder. They are willing to honor their bid and have provided evidence that they are able to obtain the necessary insurance coverage.

Therefore, we respectfully request you re-award the above referenced bid as follows:

TO: F. Taylor Tree Service

9353 Route 20

Ripley, NY 14775

FOR: Removal of Thirty (30) trees on City margins;
including stump removal and ground restoration: \$52,200.00

A separate item is on the Council's agenda requesting approval of the funding source for this expenditure.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: MORRIS PROTECTIVE SERVICES, INC.; WATCHMAN SERVICES

Agenda Item #5

RE: Approval to renew Bid #28-07 with Morris Protective Services, Inc. for watchman services at the Corporation Yard

At its meeting of December 3, 2007, the Council awarded the above referenced bid to Morris Protective Services, Inc. (see attached copy of Council letter, on file in City Clerk's Office). The contract is in effect for one year thru December 31, 2008. If mutually agreeable, the agreement may be extended one additional year thru December 31, 2009 under the same terms, conditions and specifications. Morris Protective Service, inc. has requested we exercise this extension.

Therefore, we recommend the Council approve extension of this agreement for one additional year.

Funds for this expenditure is available in the Public Works Department, Administration code: A1490.0001.0449.004.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CASINO FUNDS: RE-AWARD OF BID #36-08, TREE REMOVAL

Agenda Item #6

RE: Approval to appropriate \$28,600.00 of casino funds to cover additional expense for tree removal (Agenda Item #4)

At your November 12, 2008 meeting you approved the appropriation of \$28,600.00 of casino funds for the funding of a bid to cut down and remove thirty (30) city street trees.

Since that time the low bidder has been unable to obtain and provide the appropriate insurance coverage and therefore the bid is being awarded to the next most bidder (this item appears separately on your agenda). It is therefore requested that the Council appropriate an additional \$23,600.00 of casino funds to fund the removal of the trees.

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: SPCA

Agenda Item #7

RE: Approval of agreement with SPCA and appropriation of \$3,975.00 from fund balance to cover increase

Attached(on file in the City Clerk's Office)is the proposed Agreement for 2009 with the Niagara County SPCA.

The SPCA has requested a 5% increase in the contract and this request did not arrive prior to the finalization of the 2008 budget. Therefore it is requested that the sum of \$3,975.00 be appropriated from fund balance to cover this additional cost.

Will the Council so approve and authorize the Mayor to execute the attached Agreement?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

2009 CAPITAL PLAN

Agenda Item #8

RE: Approval of capital needs funding for 2009 from casino interest and revenue

It is recommended that the City continue the practice of funding some capital needs for the various departments from the Casino Interest and Casino revenue.

Therefore, it is recommended that the amounts shown on the attached(on file in City Clerk's Office) spreadsheet be designated for fiscal year 2009.

Will the Council so approve?

Council Member Fruscione moved that the communication be received and filed and the recommendation be amended to delete \$19,000.00 for Planning Department.

Yeas	5
Nays	0
	AMENDED

Council Member Fournier moved that the communication be received and filed and the recommendation be approved as amended.

Yeas	5
Nays	0
	APPROVED AS AMENDED

N.F. FIRE DEPARTMENT OFFICERS ASSOCIATION, ARBITRATION

Agenda Item #9

RE: Approval of appropriation from fund balance of \$79,704.20 to settle arbitration award with Fire Department Officers Association

On October 6, 2008, Arbitrator Michael S. Lewandowski issued an Opinion and Award in the aforementioned matter, which indicated that the City had violated the collective bargaining agreement between itself and the Niagara Falls Fire Department Officers Association by requiring certain retired fire captains to enroll in Medicare Part B coverage when they had no obligation to do so.

As a remedy, the Arbitrator has ordered that the City reimburse all affected grievants for payment for Medicare Part B for the period between February 1, 2006 and November 30, 2008. Based upon the calculations of the City Controller's Office, the 34 affected retirees are due a total of \$79,704.20. Payment of the same is necessary in order for the City to comply with the Arbitrator's Award. It is recommended that these funds be appropriated from Fund Balance.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: COUNCIL CONSULTANT, MORTON ABRAMOWITZ

Agenda Item #10

RE: Approval of agreement with Morton Abramowitz for consulting services to the City Council

Attached(on file in City Clerk's Office) is a proposed Agreement for Morton Abramowitz to provide consulting services to the City Council.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT AMENDMENT: UNITED STEELWORKERS

Agenda Item #11

RE: Approval of United Steelworkers contract amendment relative to "Dues Deduction"

Attached(on file in The City Clerk's Office) is a proposed Memorandum of Agreement between the City and the United Steelworkers Local 9434-00 and Local 9434-02 relative to their collective bargaining agreement, specifically Section 4.2 of the same entitled "Dues Deduction". This provision of the collective bargaining agreement outlines the mechanism in which each union member's dues are deducted from his/her bi-weekly payroll.

Recently, the Steelworkers International headquarters in Pittsburgh required an increase in the amount of dues paid by each union member. Previously, the Union would notify the City's Payroll Department of such increase and, accordingly, the dues deduction for each employee would be increased. However, the Steelworkers dues deduction authorization card does not conform with the language that is contained in Section 4.2 of both collective bargaining agreements. The City Controller's Office and its Payroll Division, using proper auditing and oversight practices, have refused to implement the increase in dues deduction based upon this discrepancy.

Both the City and the Steelworkers local union representatives discussed the dues deduction issue and agree that the attached language change to Section 4.2 will resolve these issues. The proposed language change does not require a certain dollar amount to be listed on the dues deduction authorization card and will authorize whatever changes the Steelworkers require relating to dues deduction provided the same is consistent with the Union's constitution and by-laws.

Will the Council so approve?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CITY ENGINEER: BUDGET APPROPRIATION

Agenda Item #12

RE: Approval to appropriate \$25,341.80 from 2009 contingency account to cover City engineer salary

The City's search process has identified a candidate for the City Engineer position. The agreed upon salary is \$90,000.00 annually.

The 2009 City budget contains a salary of \$68,000.00. The additional cost for the salary and fringe benefits is shown on the attached spreadsheet.

Will the Council appropriate this amount from the contingency account in the 2009 budget?

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

Agenda Item #13

RE: Approval to extend agreement of sale for 5815 Buffalo Avenue with William McDonald

The City has previously entered into an Agreement with William McDonald to sell the above referenced property adjacent to the water treatment plant on Buffalo Avenue. The Council authorized an extension of the Agreement at its June 2, 2008 meeting. This extension has expired pursuant to its terms. His plans for residential development have been approved by the Planning Board and he is in the process of obtaining a building permit. It is recommended that the Agreement be amended to extend the deadlines as follows:

1. On or before June 11, 2009 purchaser must apply for a building permit for at least eight (8) apartment units.
2. On or before September 11, 2009 purchaser shall obtain a building permit for at least eight (8) apartment units.
3. On or before June 11, 2010 purchaser shall substantially complete the construction of at least eight (8) apartment units.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY CORPORATION COUNSEL

CLAIM: FRANK & THOMAS TEDESCO

Agenda Item #14

RE: Approval to settle and pay claim of Frank & Thomas Tedesco in the amount of \$2,000.69

Date Claim Filed:	September 17, 2008
Date Action Commenced:	N/A
Date of Occurrence:	June 22, 2008
Location:	Parking lot of City of Niagara Falls Firehouse #4, 740 Tenth Street, Niagara Falls, NY
Nature of Claim:	Vehicle damaged and personal items stolen from vehicle.
Status of Action:	Claim stage.
Recommendation/Reason:	Contractual obligation with firefighters.
Amount to be Paid:	\$2,000.69
Make Check Payable to:	Frank Tedesco and Thomas Tedesco
Conditions:	General Release to City, approved by Corporation Counsel.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: ROBERT J. CARTER

Agenda item #15

RE: Approval to settle and pay claim of Robert J. carter in the amount of \$2,500.00

Date Claim Filed: January 4, 2007
Date Action Commenced: May 18, 2007
Date of Occurrence: November 11, 2006
Location: On the City's right-of-way near the south exit of the premises at 231 Third Street, Niagara Falls, New York, formerly known as the Holiday Inn.

Nature of Claim: Personal injuries suffered as a result of trip and fall on City property.

Status of Action: In suit.

Recommendation/Reason: Best interests of City to pay.

Amount to be Paid: \$2,500.00

Make Check Payable to: Robert J. Carter and HoganWillig, PLLC as attorneys.

Conditions: General Release and Stipulation of Discontinuance to City, approved by Corporation Counsel.

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

Council Member Robins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

PARKING: PINE AVENUE AT 18TH STREET

Agenda Item #16

RE: Approval to extend two hour parking areas an additional 25ft. on both North and south side of Pine Avenue towards 18th Street

At a Traffic Advisory Commission meeting held on December 10, 2008, the Commission recommended APPROVAL of the following item:

EXTEND TWO HOUR (8A.M. - 6P.M.) PARKING AREAS ON THE NORTH SIDE OF PINE AVENUE AN ADDITIONAL 25 FEET TOWARD 18TH STREET AND ON THE SOUTH SIDE OF PINE AVENUE AN ADDITIONAL 18 FEET TOWARD 18TH STREET

Allowing this additional parking will not interfere with the traffic flow or obstruct sight distance.

Submitted By: Thomas Daniels, Owner, Submasters, 1801 Pine Avenue

It is requested that City Council approve this recommendation.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

OVERNIGHT PARKING: 74TH STREET

Agenda Item #17

RE: Approval to install overnight parking on 74th Street between Lindbergh & Girard Avenues

At a Traffic Advisory Commission meeting held on December 10, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 74TH STREET BETWEEN LINDBERGH AVENUE & GIRARD AVENUE

A Petition from the residents of this block was received with 63.3% signatures.

Submitted By: Sharon Schmidt, 537 - 74th Street and Petition/Residents of Block

It is requested that City Council approve this recommendation. Council Member Fournier moved to table the communication.

Yeas	5
Nays	0

TABLED

ALTERNATE OVERNIGHT PARKING: 90TH Street

Agenda Item #18

RE: Approval to install overnight parking on 90th Street between Lindberg & Luick Avenues

At a Traffic Advisory Commission meeting held on December 10, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 90TH STREET BETWEEN LINDBERGH AVENUE & LUICK AVENUE

A Petition from the residents of this block was received with 86% signatures.

Submitted By: Donna Eagan, 903 - 90th Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

RESOLUTION: 2009 COUNCIL MEETING SCHEDULE, 2008-102

Agenda Item #19

Relative to the 2009 Council Meeting Schedule

BY: All Council Members

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York,

that it hereby adopts the following 2009 City Council Meeting dates as the official 2009 CITY

COUNCIL AGENDA AND MEETING SCHEDULE.

4pm ---- Work Session

7pm --- Council Meeting

January 5th - Organizational Mtg.	AUGUST RECESS
January 26th	September 8th - (Tues.)
February 9th	September 21st
February 23rd	October 5th
March 9th	October 19th
March 23rd	November 2nd
April 6th	November 16th
April 20th	November 30th
May 4th	December 14th
May 18th	December 28th
June 1st	
June 15th	
June 29th	
July 13th	
July 27th	

Yeas

5

Nays

0

ADOPTED

RESOLUTION: CABLE COMMISSION APPOINTMENT, LEWIS ROTELLS, 2008-103

Agenda Item #20

Relative to the appointment of Lewis Rotella to the Niagara Falls Cable Commission

BY: Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Cable Commission effective December 31, 2008, for the expiration date, which appears opposite his/her name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Lewis Rotella 8950 Rivershore Drive Niagara Falls, NY 14304	12/31/2011

Yeas

5

Nays

0

ADOPTED

RESOLUTION: TRAFFIC ADVISORY BOARD, RE-APPOINTMENT, CHESTER HYLA, 2008-104

Agenda Item #21

Relative to the re-appointment of Chester Hyla to the Traffic Advisory Board

BY: All Council Members

BE IT RESOLVED, that the following individual is hereby re-appointed to The City of Niagara Falls Traffic Advisory Board effective December 31st, 2008 for the expiration date, which appears opposite his name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Chester Hyla 9173 Griffon Avenue Niagara Falls, NY 14304 283-0603	12/31/2013

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: HISTORIC PRESERVATION COMMITTEE. APPOINTMENT, 2008-105

Agenda Item #22

Relative to appointments to the Niagara Falls Historic Preservation Committee

BY: All Council Members

BE IT RESOLVED, that the following individuals are hereby appointed to The City of Niagara Falls Historic Preservation Committee effective December 31, 2008 for the expiration date, which appears opposite his/her name:

<u>RE-APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Denise Easterling 1306 Willow Avenue Niagara Falls, NY 14305	12/31/2012
<u>APPOINTMENT</u>	<u>TERM EXPIRES</u>
Patrick Kuciewski 954 Rankine Road Niagara Falls, NY 14305	12/31/2012

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: YOUTH BOARD, RE-APPOINTMENTS, 2008-106

Agenda item #23

Relative to re-appointments to the Niagara Falls Youth Board

BY: All Council members

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Youth Board effective immediately for the expiration date, which appears opposite their names:

<u>RE-APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Paul Barker III 2409 Woodlawn Avenue Niagara Falls, NY 14301 - 298-0411	12/31/11
Peter Eodice 456 - 71 st Street Niagara Falls, NY 14304 - 283-1228	12/31/11
Michael Lewis Ph.D. 800 Maple Avenue Niagara Falls, NY 14305 - 694-5969	12/31/11
Andrea D. Randle 1886 South Avenue Niagara Falls, NY 14305 - 304-1970	12/31/11
<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Allen Booker 151 Buffalo Avenue Niagara Falls, NY 14303 - 208-5183	12/31/11

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: AMENDING CHAPTER 365 OF THE CODIFIED ORDINANCES ENTITLED "TAXICABS AND TAXICAB DRIVERS", 2008-107

Agenda Item #24

Relative to amending Chapter 365 of the Codified Ordinances entitled "Taxicabs and Taxicab Drivers"

BY: Council Member Chris Robins

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 365 of the Codified Ordinances entitled ATaxicabs and Taxicab Drivers@ is hereby amended by amending Section 365.34 to read as follows:

365.34 RATES OF FARE: RATE CARD REQUIRED

No owner or driver of a taxicab shall charge a sum for the use of a taxicab other than the following rates:

- (a) Two Dollars and forty cents (\$2.40) for the first one-sixth mile or any portion thereof;
- (b) Fifty cents (\$.50) for each additional one-sixth mile thereafter;
- (c) On and after **[July 1, 2004] January 1, 2009, [Twenty-five Dollars (\$25.00)] Thirty Dollars (\$30.00)** per hour for waiting time; and
- (d) For each stop to discharge a passenger from the point of entering the taxicab to the ultimate destination thereof, an additional charge of ten cents (\$.10) may be made.

Bold and Underlining indicate Additions.

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

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PLANNING BOARD APPOINTMENTS, 2008-108

Agenda Item #25

Relative to appointments ti the Niagara Falls Planning Board

BY: All Council Members

BE IT RESOLVED, that the following individuals are hereby appointed to The City of Niagara Falls Planning Board effective December 31, 2008 for the expiration date, which appears opposite their name:

RE - APPOINTMENT

Angelo D'Aloise 12/31/2011
2438 Niagara Avenue
Niagara Falls, NY 14305
285-5890

Timothy Polka 12/31/2011
4020 Barton Street
Niagara Falls, NY 14305
282-4843

APPOINTMENT

Randy Ubriaco 12/31/2011
837 - 15th Street
Niagara Falls, NY 14301
285-7738

Tony M. Palmer 12/31/2011
1612 South Avenue
Niagara Falls, NY 14305
285-0328

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:15 p.m.

Carol A. Antonucci
City Clerk

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CITY COUNCIL MINUTES
NIAGARA FALLS, NEW YORK**

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