

**TABLE OF CONTENTS  
2014**

**JANUARY 1, 2014, ORGANIZATION MEETING**

Resolution: 2014 Council Meeting Dates, 2014-1 . . . . .1

**JANUARY 6, 2014, REGULAR MEETING**

Contract: Niagara Community Action Program, Inc., funding . . . . . 4  
 Contract: Niagara Military Affairs Council, funding . . . . . 4  
 Contract: NF Beautification Commission, funding . . . . . 4  
 Contract: NF Block Club Council, funding . . . . . 5  
 Public Works: reorganization . . . . . 5  
 Contract: Water Board, Safety Specialist, sharing . . . . . 5  
 Contract: Cooper Sign, Signage for 19<sup>th</sup> St. Park, funding . . . . . 5  
 Contract: Niagara Arts & Cultural Center, funding . . . . . 6  
 Resolution: Investment Policy, adoption, 2014-2 . . . . . 6  
 Resolution: Niagara Gazette, official newspaper, 2014-3 . . . . . 6  
 Resolution: Traffic Advisory Commission, appointment, 2014-4 . . . . . 6  
 Resolution: Planning Board, appointment, tabled . . . . . 7  
 Resolution: Zoning Board of Appeals, appointments, tabled . . . . . 7  
 Resolution: Water Board, appointment, tabled . . . . . 7  
 Resolution: Council Secretary, appointment, 2014-5 . . . . . 8  
 Resolution: Marriage Officer, appointment, 2014-6 . . . . . 8

**JANUARY 21, 2014, REGULAR MEETING**

Claims for the Month of December 2013 . . . . . 11  
 City Clerk's Report for the Month of December 2013 . . . . . 11  
 Contract: 1515 Ashland Ave & 1363 Pierce Ave., demolition, RED . . . . . 11  
 Contract: Tree Removal Services, Bently Tree Care . . . . . 12  
 Contract: In Rem . . . . . 12  
 Public Works: Special Events, Overtime . . . . . 13  
 Contract: Sal Maglie Stadium, lighting, Ferguson Electric . . . . . 13  
 Contract: Engineer Dept., Consulting Firm, Clark Patterson Lee . . . . . 13  
 Contract: Grant Writing Services . . . . . 14  
 Code Enforcement; Electrical Inspector, stipend . . . . . 14  
 City Controller: Debt Management Policy . . . . . 14  
 Controller: Reorganization, Finance Division . . . . . 15  
 Contract Railroad Station, Wendel Duchscherer . . . . . 15  
 Contract: Royal Ave. Repaving/Resurfacing Project, LJ Quigliano . . . . . 16  
 Contract: Stormwater Pollution Prevention Program, Greenman-Pederson . . . . . 16  
 Contract: Pedestrian Activated Traffic Signal, South Buffalo Electric . . . . . 17  
 Contract: Drainage Structure Replacement/Repair Project, Yarussi . . . . . 17  
 Claim: Stanek, Kimberly . . . . . 18  
 Claim: Langdon, Stephen . . . . . 18  
 Resolution: Zoning Board of Appeals, Appointment . . . . . 18  
 Resolution: Seright, Rev. Jimmie, Honoring, 2014-7 . . . . . 19  
 Resolution: King, Dr. Martin Luther, Jr., Birthday, 2014-8 . . . . . 19  
 Resolution: Planning Board, Appointment/Reappointments . . . . . 20  
 Resolution: Planning Board, Appointment/Reappointments, 2014-9 . . . . . 20  
 Resolution: Zoning Board, Appointment/Reappointment. 2014-10 . . . . . 20  
 Purchase: Public Works, Cold Patch . . . . . 21  
 Golf Course: Emergency Cleanup, Restaurant . . . . . 21



JANUARY 1, 2014

ORGANIZATIONAL MEETING

NIAGARA FALLS, NEW YORK

The January 1, 2014 Organizational Meeting of the Niagara Falls City Council was called to order by Council Chairman Glenn Choolokian at 11:08 AM in the Council Chambers.

The prayer was said by Reverend Raymond Allen and the Pledge of Allegiance to the Flag was said by all in attendance.

The Oath of Office was then administered to Council Members Kristen Grandinetti, Andrew Touma, and Charles Walker by The Honorable Angelo Morinello, City Court Judge.

The Roll was called with Council Members Robert Anderson Jr., Glenn Choolokian, Kristen Grandinetti, Andrew Touma and Charles Walker present.

Council Chairman Choolokian called for nominations for Council Chairman.

Council Member Walker was nominated by Council Member Grandinetti. The nomination was seconded by Council Member Andrew Touma.

As there were no further nominations, nominations were closed and the vote was called.

Yeas	5
Nays	0

Council Member Walker was unanimously elected Council Chairman for 2014.

The Oath of Office was then administered to Council Chairman Walker by The Honorable Angelo Morinello.

The Honorable Angelo Morinello then administered the Oath of Office to Niagara County Legislators representing the City of Niagara Falls:

Dennis Virtuoso  
Owen Steed  
Jason Zona  
Mark Grozio

A Moment of Silence was observed for Reverend Jimmie Seright who recently passed away.

RESOLUTION: COUNCIL, 2014 MEETING SCHEDULE, 2014-1  
BY: ALL COUNCIL MEMBERS

Agenda Item #1

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it hereby adopts the following 2014 City Council Meeting dates as the official

2014 CITY COUNCIL AGENDA AND MEETING SCHEDULE.

5 pm -Work Session            6 pm -Council Meeting

January 6	July 7
January 21 - Tuesday	July 21
February 3	AUGUST RECESS
February 18 - Tuesday	September 2 - Tuesday
March 3	September 15
March 17	September 29
March 31	October 14 - Tuesday
April 14	October 27
April 28	November 10
May 12	November 24
May 27 - Tuesday	December 8
June 9	December 22
June 23	

Yeas	5
Nays	0

ADOPTED

All the Council Members wished the citizens a Happy & Healthy New Year.

There being no further business to come before the Council, Council Chairman Walker adjourned the Meeting at 11:25 p.m.

Carol A. Antonucci  
City Clerk



**JANUARY 6, 2014**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The first session of the January 6, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:04 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Grandinetti moved to approve the Minutes from the City Council Meeting of December 23, 2013.

Yeas

5

Nays

0

APPROVED

In the Administrative Update, City Administrator Donna Owens reported that Public Works Director David Kinney and Deputy Director John Caso were tracking weather and road conditions since the beginning of the weather event over the weekend, and City streets were being constantly salted. Council Member Grandinetti inquired about the salt that was being used, and the effect of the salt on the roads when the temperatures had dropped so low. Mayor Paul Dyster added that the John Duke Senior Center, the LaSalle Facility, the Library and all the City schools would be closed on Tuesday due to the weather conditions. Council Chairman Walker noted the amount of branches from the last storm that still have not been picked up, and asked if all the DPW crews were only on snow removal. The Mayor responded that the tree branches were a low priority as long as they were not blocking the roadway, and asked for patience from the citizens in dealing with the damages caused by the weather conditions.

Mayor Dyster said that the City is also dealing with water main breaks due to the weather conditions, and noted that no one in the City is without water service. He thanked the outside water crews, the DPW workers and all those who were working to deal with the issues. He added that the Governor had asked all the Mayors in Western New York to keep him informed of issues relating to the weather, and the Mayor would be part of a conference call with the Governor later in the day.

Council Member Grandinetti asked if there were any warming centers in the City, and the Mayor said that the John Duke Senior Center and the LaSalle Facility could be used as warming centers if there was an emergency situation.

Council Member Grandinetti asked that the City Administrator provide an update on the sanitation contract at the next Council Meeting. She also asked that Human Resources Director Ruby Pulliam provide an update on ADA compliance at the next Council Meeting.

Council Member Touma said that he had received a letter from a citizen complimenting the response of the Fire Department to a call about sparking wires during recent ice storm.

Council Member Anderson asked that the Mayor look into the use of Casino funds for tax relief for citizens, and the Mayor spoke on a program funded with Casino dollars that provides tax incentives for businesses.

This Session ended at 5:25 PM

Chairman Walker reconvened the Meeting at 6:01 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:

Katherine Johnson	Agenda Item #8
Kathie Kudela	Agenda Item #8
Paul Gromosiak	Congratulations to Chairman Walker & Council Member Touma; need for Niagara Experience Center; closing of local History Dept. at Library is disgraceful
Ron Anderluh	Congratulations to Chairman Walker & Council Member Touma; use Casino cash for tax decrease. Eliminate 2-tier tax system and all need to work together for the good of the city

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: NIAGARA COMMUNITY ACTION PROGRAM, INC., FUNDING

Agenda Item #1

The 2014 Budget contains an appropriation in the amount of \$27,500.00 for the Niagara Community Action Program Inc. so that it may continue to provide assistance to qualified City residents during fiscal year 2014. This will require that the City enter into a Funding Agreement with this entity.

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

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

Yeas	4
Anderson, Choolokian, Grandinetti, Touma	
Nays	0
Abstain	1
Chairman Walker	

APPROVED

CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #2

The 2014 Budget contains an appropriation in the amount of \$2,500.00 for the non-profit agency listed above. In order to effectuate this, an appropriation agreement with NIMAC is required.

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: NIAGARA FALLS BEAUTIFICATION COMMISSION, FUNDING

Agenda Item #3

The 2014 Budget contains an appropriation in the amount of \$10,000.00 for the non-profit agency listed above. In order to effectuate this, an appropriation agreement with NBC is required. Funding is available from Tourism Fund Balance

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: NF BLOCK CLUB COUNCIL, FUNDING

Agenda Item #4

The 2014 Budget contains an appropriation in the amount of \$10,000.00 for the non-profit agency listed above. In order to effectuate this, an appropriation agreement with the Council is required.

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

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

Yeas 5  
Nays 0

APPROVED

PUBLIC WORKS: REORGANIZATION

Agenda Item #5

The DPW Director advises that a Welder position in the Central Garage (A.1640.0000.0110.000) included in the DPW 2014 budget is not needed. The designated salary for this position is \$30,566.00. The position that is needed, however, is a Junior Account Clerk in the DPW Administration division (A.1490.0001.0110.000). The salary designated for this position is \$22,559.38. Benefits budgeted for each position are the same and are separately budgeted. Abolishing the Welder position and creating the Junior Account Clerk position will result in a savings of \$8,006.62.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: WATER BOARD, SAFETY SPECIALIST, SHARING

Agenda Item #6

In 2008 the City and Water Board entered into a Municipal Cooperation Agreement to share a Safety Specialist.

The current Agreement expires on December 31, 2013 and has been a benefit to both the City and the Water Board.

It is recommended that the City enter into an Amendment with the Water Board to provide for an additional four (4) year term commencing on January 1, 2014 and ending on December 31, 2017 with the other terms remaining the same.

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

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: COOPER SIGN, SIGNAGE FOR 19<sup>TH</sup> ST. PARK, FUNDING

Agenda Item #7

During the City Council meeting on December 23, 2013, the Council unanimously approved naming the City Park on 19<sup>th</sup> Street in memory of Louis S. Serianni. Attached hereto (on file in the City Clerk's Office) is a copy of the City Council resolution, together with a copy of an artist rendering of the sign proposed to be created, along with a quote from Cooper Sign in the amount of \$1,296.00 to create the sign. Installation will be accomplished by DPW crews.

Funding is available from the 2013 Tourism Signage line.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: NIAGARA ARTS & CULTURAL CENTER, FUNDING

Agenda Item #8

The 2014 Budget contains an appropriation in the amount of \$30,000.00 for the non-profit agency listed above. In order to effectuate this, an appropriation agreement with the NACC is required. Funding is available from Tourism Fund Balance.

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

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

Yeas 5  
Nays 0

APPROVED

RESOLUTION: INVESTMENT POLICY, ADOPTION, 2014-2  
BY: ALL COUNCIL MEMBERS

Agenda Item #9

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 the 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: NIAGARA GAZETTE, DESIGNATION AS OFFICIAL NEWSPAPER, 2014-3  
BY: ALL COUNCIL MEMBERS

Agenda Item #10

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 2014, but such designation shall not thereafter lapse until superseded

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: TRAFFIC ADVISORY COMMISSION, APPOINTMENT, 2014-4  
BY: ALL COUNCIL MEMBERS

Agenda Item #11

BE IT RESOLVED, that the following individual is hereby re-appointed to the City of Niagara Falls Traffic Advisory Commission Board for the term expiring on the date which appears opposite their name:

RE-APPOINTMENT TERM EXPIRES:

Chester Hyla 12/31/2018

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: PLANNING BOARD, APPOINTMENTS  
BY: COUNCIL MEMBERS ANDERSON, CHOOKOKIAN

Agenda Item #12

BE IT RESOLVED, that the following individuals are hereby re-appointed to the City of Niagara Falls Planning Board for the term expiring on the date which appears opposite their names:

<u>RE-APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Laurie Davis	12/31/2016
Willie Dunn	12/31/2016

BE IT FURTHER RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Planning Board for the term expiring on the date which appears opposite their name:

<u>APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Nicholas Stopa	12/31/2016
Council Member Grandinetti moved to Table the Resolution	
Yeas	4
Anderson, Grandinetti, Touma, Chairman Walker	
Nays	1
Choolokian	

TABLED

Council Member Grandinetti said she recently got a lost of the Boards & Commissions that shows the vacancies & she wants a chance to look at the List before she votes for any appointments

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENTS  
BY: COUNCIL MEMBERS ANDERSON, CHOOKOKIAN

Agenda Item #13

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Zoning Board of Appeals for the term expiring on the date which appears opposite their names:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Samuel Archie	12/31/2016
Robert Ventry	12/31/2016
Council Member Grandinetti moved to Table the Resolution	
Yeas	4
Anderson, Grandinetti, Touma, Chairman Walker	
Nays	1
Choolokian	

TABLED

RESOLUTION: WATER BOARD APPOINTMENT  
BY: COUNCIL MEMBERS ANDERSON, CHOOKOKIAN

Agenda Item #14

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Water Board for the term expiring on the date which appears opposite their names:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Harry R. Palladino	12/31/2016
Council Member Grandinetti moved to Table the Resolution	
Yeas	4
Anderson, Grandinetti, Touma, Chairman Walker	
Nays	1
Choolokian	

TABLED

RESOLUTION: SECRETARY TO THE COUNCIL, APPOINTMENT, 2014-5  
BY: COUNCIL MEMBERS GRANDINETTI, TOUMA, CHAIRMAN WALKER

Agenda Item #15

WHEREAS, the current Confidential City Council Secretary has retired effective Monday, December 31, 2013; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that pursuant to the authority of Section 3.2.e of the City Charter, Ryan Undercoffer is hereby appointed as Confidential Secretary to the City Council effective Tuesday, January 7, 2014.

Yeas	3
Grandinetti, Touma, Chairman Walker	
Nays	1
Choolokian	
Abstain	1
Anderson	

ADOPTED

Council Member Anderson said he was not part of the process & would therefore abstain from the voting

Council Member Choolokian said it's a shame that the former Chief of Staff was forced to retire & the Council lost a good person

RESOLUTION: MARRIAGE OFFICER, APPOINTMENT, 2014-6  
BY: COUNCIL MEMBER TOUMA, CHAIRMAN WALKER

Agenda Item #16

WHEREAS, Niagara Falls has an international reputation as The Honeymoon Capital; 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 municipal boundaries of the City of Niagara Falls; and

WHEREAS, the Council finds it appropriate to maintain the existing number of Marriage Officers.

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, Kristen Grandinetti, a resident of the City of Niagara Falls, New York, be reappointed as a Marriage Officer for the City of Niagara Falls for a term of four years.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:30 P.M.

Carol A. Antonucci  
City Clerk



**REGULAR COUNCIL MEETING**

**JANUARY 21, 2014  
NIAGARA FALLS, NEW YORK**

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The first session of the January 21, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:02 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Corporation Counsel Craig H. Johnson and City Controller Maria Brown.

Council Member Choolokian moved to approve the Minutes from the City Council Organizational Meeting of January 1 & City Council Meeting of January 6, 2014

Yeas	5
Nays	0

APPROVED

Community Development Director, Seth Piccirillo, spoke about the Third Street Economic Development Projects. He recapped the Private Sector investment in relation to the Public Sector investment. Six store fronts have been sold to Private Developers. 1.7 million dollars in new investments for more permanent jobs, more revenue and more commerce is coming in & it's a win for the City that developers are investing here. There is a dollar for dollar match with Grant funds released only after the project is completed & inspected. He will update the Council on further actions. Council Member Andrew Touma asked if businesses fail within 3 years will they have to pay back the loan, Mr. Piccirillo said, yes, they would have to pay it back. Council Member Kristen Grandinetti stated to Mr. Piccirillo that he is doing a great job.

In the Administrative Update:

1. Senior Planner, Thomas DeSantis, stated that the Mayor attended a meeting in Windsor Ontario about the rollout of the Municipal Adaption and Resiliency Service, (M.A.R.S.) which relates to weather conditions in the Great Lakes Region.

Council Member Grandinetti asked what staff members would be trained for this. Mr. DeSantis responded that the Public Works Department, Engineering Department and the Water Board would be involved.

Mr. Johnson distributed copies of Items to be amended and/or added to the Agenda:

1. A Resolution relative to reappointment/appointment to the Planning Board that was tabled at the January 6, 2014 Meeting.

Council Member Grandinetti moved to remove the Resolution from the table.

Yeas	5
Nays	0

MOTION TO REMOVE FROM TABLE APPROVED

Council Member Grandinetti moved to amend the Resolution by changing the name of the person being appointed to the Board.

Yeas	5
Nays	0

MOTION TO AMEND RESOLUTION APPROVED

This Resolution was added to the Agenda as #24.

2. A Resolution relative to reappointment/appointment to the Zoning Board of Appeals that was tabled at the January 6, 2014 Meeting. Council Member Touma moved to remove the Resolution from the table.

Yeas 5  
Nays 0

MOTION TO REMOVE FROM TABLE APPROVED

Council Member Touma moved to amend the Resolution by changing the names of the persons being reappointed/appointed to the Board.

Yeas 5  
Nays 0

MOTION TO AMEND RESOLUTION APPROVED

This Resolution was added to the Agenda as #25.

3. Council Member Grandinetti moved to amend Item #21, relative to Honoring Rev. Jimmie Seright, by correcting the spelling of Rev. Seright's name.

Yeas 5  
Nays 0

MOTION TO AMEND COMMUNICATION APPROVED

4. Council Member Choolokian moved to amend Item #15 by changing the amount of the contract.

Yeas 5  
Nays 0

MOTION TO AMEND COMMUNICATION APPROVED

5. Council Member Touma moved to amend Item #17 by changing the amount of the contract.

Yeas 5  
Nays 0

MOTION TO AMEND COMMUNICATION APPROVED

6. A communication relative to purchasing cold patch for the Department of Public Works.

Council Member Choolokian 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 #26.

7. A communication relative to Emergency Clean-up of the Restaurant at the Hyde Park Golf Course.

Council Member Anderson 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 #27.

8. A communication relative to transfer of funds into Department of Public Works Administration Line.

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

Yeas 2  
Anderson, Choolokian  
Nays 3  
Grandinetti, Touma, Chairman Walker

MOTION TO ADD COMMUNICATION TO AGENDA DEFEATED

(four Yea votes needed to add item to Agenda)

This session ended at 6:00 PM

Chairman Walker reconvened the Meeting at 6:10 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Choolokian 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 #9
Paul Gromosiak	Rev. Seright; celebration of Dr. Martin Luther King, Jr.
Gerald Skrlin	Letter from Health Dept. about rooming house At 154 Buffalo Ave.; letter to Holiday Inn
Diane Tattersall	Likes back to back meetings; approve of Grant Writer Service; Engineering position; Focus on Parks, Recreation Programs; focus on proceeding on Ice Rink; blight on the City; Sal Maglie Stadium

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF DECEMBER 2013  
Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF DECEMBER 2013  
Agenda Item #2  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 1515 ASHLAND AVE. & 1363 PIERCE AVE., DEMOLITION,  
CHANGE ORDER 1, REGIONAL ENVIRONMENTAL DEMOLITION, INC.

Agenda Item #3

The City encountered some unforeseen conditions in the course of this demolition contract. At 1515 Ashland Avenue, a wall with 425 square feet of asbestos containing material ("ACM") was discovered concealed behind another wall. This is an unusual occurrence, and results in additional work. The existence of the concealed wall could not have been foreseen by the asbestos services contractor. The removal and disposal of additional asbestos containing material represents an additional cost to the City

The demolition contract does not provide a unit price for removal and disposal of ACM. January, 2012 was the last time the City paid for additional ACM removal and disposal in a demolition contract change order. A different demolition contractor performed that contract, and the City paid \$9.00 per square foot for removal and disposal. This proposed change order request is for removal and disposal of the ACM at a cost of \$5.88 per square foot, or \$2,499.00.

The building at 1363 Pierce Avenue presented unusual difficulties. The roof of the neighboring building was attached to the Pierce Avenue building, and the neighboring building abutted the building to be demolished. The demolition of the 1363 Pierce Avenue building required additional work to prevent damage to the neighboring building. The change order request for the additional work is \$2,965.00.

This is the fourth demolition contract since 2011 which Regional Environmental Demolition, Inc. has performed for the City. In one prior contract, a change order was necessary to remove a building from the contract pursuant to a court order prohibiting the demolition. If approved, this change order will be the first for this contractor for additional work and an additional payment. The work reflected in this change order was unforeseen and necessary, and the cost is reasonable.

Funds are available for this change order under CD1.8666.0000.0450.500 (CDR399).

Will the Council vote to approve demolition contract CD2013-2 change order 1 in the total amount of \$5,464.00 as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: TREE REMOVAL SERVICES, BENTLY TREE CARE, LLC

Agenda Item #4

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

TO: Bently Tree Care, LLC  
9351 Route 20  
Ripley, NY 14775  
FOR: Removal of trees on City margins, including stump removal and ground restoration: \$92,495.00

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. Two (2) bids were received. The above referenced company submitted the lowest bid (on file in the City Clerk's Office).

If Council approves, funding will be provided thru Casino Funds that will be transferred into Department of Public Works-Forestry account code A8560.0000.0449.599.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

Chairman Walker asked about the discrepancy in prices. Public Works Director David Kinney responded that sometimes there were no addresses given.

CONTRACT: IN REM, COUNTY OF NIAGARA

Agenda Item #5

Attached (on file in the City Clerk's Office) is a proposed Agreement with the County of Niagara for the current In Rem which sets forth the terms for the distribution of proceeds from the sale of properties acquired in the In Rem.

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

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

Yeas 5  
Nays 0

APPROVED

PUBLIC WORKS: SPECIAL EVENTS, OVERTIME, FUNDING

Agenda Item #6

The Director of the Department of Public Works ("DPW") is requesting that the sum of \$33,000.00 be made available to the department's Special Events Overtime budget line in order to pay for DPW related tasks pertaining to events held in the City during year 2014, particularly in the downtown tourist area. Funding is available from Tourism Fund Balance. The Special Events Overtime budget line in the DPW budget is A.7550.0000.0140.000. This \$33,000.00 includes \$30,000.00 of overtime and \$3,000.00 for FICA.

Will the Council so approve?

Council Member Grandinetti moved to table the communication.  
Yeas 3  
Grandinetti, Touma, Chairman Walker  
Nays 1  
Choolokian  
Abstain 1  
Anderson

TABLED

CONTRACT: SAL MAGLIE STADIUM, LIGHTING, FERGUSON ELECTRIC

Agenda Item #7

Director of DPW is requesting that improvements be made to two lower sets of lights on poles 4 and 6 at Sal Maglie Stadium. The Director advises that this work is necessary in order to remedy a recurring problem. The sum of \$15,054.00 is requested in order to accomplish this work and the vendor submitting the best estimate was Ferguson Electric.

Funding is available from H0912.2009.0912.0419.006.

Will the Council so approve the expenditure of these funds for this purpose and the hiring of Ferguson Electric to perform the work?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: ENGINEERING DEPT., CONSULTING, CLARK PATTERSON LEE, FUNDING

Agenda Item #8

The City has been without a City Engineer for quite some time. While the City is in the process of conducting a search for a City Engineer, it is necessary for the City to engage the services of a consulting engineer to be available to the City on an "as needed" basis in order to assist the city engineering staff members with project development and tracking in order to move projects forward. Attached hereto (on file in the City Clerk's Office) is a proposal from the Clark Patterson Lee firm which provides a description of the services it offers and a brief summary of professional experience. The attachment also contains a summary of the hourly rates charged by Clark Patterson Lee staff. Fees will be charged the City on an hourly and "as needed" basis, not to exceed \$94,000.00 for one (1) year. This agreement may be extended for one (1) year.

Funding is available from casino revenue.

Will the Council so approve?

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

Yeas 4  
Anderson, Grandinetti, Touma, Chairman Walker  
Nays 1  
Choolokian

APPROVED

Council Member Touma & Chairman Walker asked that when a City Engineer is hired, the Consultant be used as needed.

Corporation Counsel Craig Johnson stated that the City Administrator will be overseeing the Department. Council Member Grandinetti said the Engineering Dept. is doing a good job.

CONTRACT: GRANT WRITING SERVICES, FUNDING

Agenda Item #9

In some prior years, the City entered into a non-exclusive Consulting Agreement with an individual to provide grant writing and grant administration services to the City. It is recommended in calendar year 2014 the City enter into an agreement with that same individual to provide those services. The fee for those services is not to exceed \$35,000.00. Funding is available from casino revenues adopted 2014 budget in Department of Planning and Economic Development, A8020.4720.0451.000. Attached (on file in the City Clerk's Office) hereto is a copy of a proposal from the grant writer.

Will the Council authorize the Mayor to enter into and execute an agreement with the grant writer in a form acceptable to the Corporation Counsel?

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

Yeas	4
Anderson, Grandinetti, Touma, Chairman Walker	
Nays	1
Choolokian	

APPROVED

Council Member Anderson stated that the Grant total received is more than the salary for this position.

CODE ENFORCEMENT: ELECTRICAL INSPECTOR, RESTORATION OF STIPEND, FUNDING

Agenda Item #10

The Director of Code Enforcement advises that a \$1,200.00 stipend for the City Electrical Inspector was inadvertently omitted from the 2014 Budget. The purpose of the stipend is to compensate the City's Electrical Inspector for time spent, after hours, at meetings of the City's Electrical Board and for overseeing the exam for Master Electrician, including reviewing applications for the exam and attending the exam. Funding is available from Fund Balance.

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

CITY CONTROLLER: DEBT MANAGEMENT POLICY

Agenda Item #11

The City Controller has undertaken the task of preparing a Debt Management Policy to be followed by those individuals in and outside of City government who are involved in the process of incurring City debt. Attached (on file in the City Clerk's Office) hereto is a copy of that policy.

Will the Council approve the implementation of the attached Debt Management Policy?

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

Yeas	5
Nays	0

APPROVED

CONTROLLER: REORGANIZATION, FINANCE DIVISION

Agenda Item #12

The City Controller's Office, Finance Division, has in its structure an Account Clerk Grade 7 position at an annual salary of \$33,169 plus benefits. It is requested that the Account Clerk Grade 7 position be eliminated and replaced with a Senior Account Clerk Grade 12 position. The annual salary for the Senior Account Clerk Grade 12 position is \$38,589 plus benefits. The reason for this is that the individual presently working in the Account Clerk Grade 7 position has been doing the work of a Senior Account Clerk Grade 12 position for quite some time. She has also successfully passed the Senior Account Clerk Grade 12 exam a few years ago.

As a result of a retirement of a Grade 17 employee, this reorganization may be done at this time and still achieve a savings of \$4,510.00. It was not possible to do this during the budget process because the Grade 17 employee who retired did not notify the Human Resources Department of her decision to retire in time to accomplish this.

It is requested that this reorganization be effective immediately upon approval of the City Council.

Will the Council so approve the elimination of an Account Clerk Grade 7 position and the creation of a Senior Account Clerk Grade 12 with accompanying salary of \$38,589 plus benefits, effective immediately?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: TRAIN STATION, WENDEL DUCHSCHERER, ARCHITECTS AND ENGINEERS, INC., FUNDING

Agenda Item #13

A contract for consultant services for the above referenced project was awarded to Wendel-Duchscherer, Architects and Engineers, Inc. (WD), 140 John James Audubon Pkwy, Suite 201, Buffalo, construction cost without a wholesale design NY 14228 by City Council on July 25, 2005, which was extended on February 11, 2010 and again on November 13, 2012. The latter extension covered "pre-obligation" requirements of the Federal Railroad Administration and additional "pre-construction" design and bidding activities.

Since then the above Project was publicly bid for construction. However, as of October the Project bids were rejected without award. Since October the Consultant has worked with City Planning and Engineering to reduce Project scope and associated change to meet the City's current budget constraints.

Accordingly there is attached (on file in the City Clerk's Office) hereto a proposal for those additional services arising from the necessity to value engineer (VE) a reduction in scope and to revise the contract documents in preparation of re-bidding the project as soon as possible.

These additional value engineering and re-bidding work tasks should total \$350,000.00. A more detailed explanation of work activities in this additional phase are contained the letter and services summary provided by Susan Sherwood, Wendel Project Manager, dated December 30, 2013, is attached hereto.

The local funding share for this contract and any amendments thereto has previous Council approval. The source of local funding is casino funds. Further, any non-local share, greater than 15.6%, is available for full reimbursement under the terms of the existing NYS-DOT Supplemental Agreement No. 2 (Comptroller's Contract No. D017307 for the NF Intermodal Transportation Center Project -PIN 5756.28), which specifically stipulates for reimbursement of eligible expenditures to the City up to \$4,366,856.83.

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

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

Yeas	4
Anderson, Grandinetti, Touma, Chairman Walker	
Nays	1
Choolokian	

APPROVED

Council Member Touma asked Senior Planner Thomas DeSantis who wrote the bid, and Mr. DeSantis responded that it was Wendel Duchscherer. The Council had various questions about the Project, and Susan Sherwood from Wendel responded to those questions.

CONTRACT: ROYAL AVE. REPAVING/RESURFACING PROJECT, CHANGE ORDER #1, L.J. QUIGLIANO, INC.

Agenda Item #14

A contract for the above referenced project was awarded to L.J. Quigliano, Inc. 2395 Lockport Road Sanborn NY 14132 on June 10, 2013, in the amount of \$777,320.83.

Subsequent to award and throughout the project, the City and its contractor responded to requests for access and egress, for both supplies and personnel, from the businesses at the easterly end of the project area. Multiple rescheduling, alley rehabilitations, apron relocations and temporary asphalt placements comprised a majority of the extra tasks not included in the project's original scope. Additionally, the existing curbstone and subgrade soils slated for reuse within the industrial corridor were found to be unsuitable, requiring additional effort and materials on the contractor's behalf.

The cost associated with the extra tasks and quantities for the reconstruction of Royal Avenue is \$60,933.43, bringing the final contract total to \$838,524.26.

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 Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: STORMWATER POLLUTION PREVENTION PROGRAM REVIEW, GREENMAN-PEDERSON, INC.

Agenda Item #15

A contract for the above referenced project was awarded to Greenman-Pederson, Inc. (GPI) 4950 Genesee St. Buffalo New York, 14225 on May 14, 2013, in the amount of \$7,500.00.

To accommodate reviews the City will need to perform as 2014 gets under way, the undersigned recommends an allotment of a not-to-exceed amount of \$7,500.00 at this time. This will allow GPI to continue their review services without interruption.

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 Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: PEDESTRIAN ACTIVATED TRAFFIC SIGNAL, CHANGE ORDER #1, SOUTH BUFFALO ELECTRIC, INC.

Agenda Item #16

A contract for the above referenced project was awarded to South Buffalo Electric Inc.1250 Broadway Street Buffalo, New York 14212, on September 4, 2012 in the amount of \$80,731.00.

Subsequent to the start of the signal installation, several alterations to the Maintenance and Protection of Traffic, signage, and even the actual location of the signal poles themselves were altered to accommodate the motoring and pedestrian public, while minimizing the impact this project had on the adjacent businesses. Costs associated with the extra tasks, signage and relocations, when coupled with contract underruns, equal \$13,692.85. Funding can be made available from existing casino funds.

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 Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	4
Anderson Choolokian, Touma, Chairman Walker	
Nays	1
Grandinetti	

APPROVED

CONTRACT: DRAINAGE STRUCTURE REPLACEMENT/REPAIR PROJECT II, CHANGE ORDER #1, YARUSSI CONSTRUCTION, INC.

Agenda Item #17

A contract for the above referenced project was awarded to Yarussi Construction, Inc. on July 24, 2013 in the amount of \$104,500.00.

Subsequent to the award of this contract, additional streets added to the City's casino-funded portion of the In-House Paving Program required the addition of six (6) new catch basins to be installed that were not a portion of the project's original scope. The costs associated with the extra basins removal, installation and restoration equal \$19,740.00, bringing the final contract total to \$124,240.00. Funding is available in 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 Choolokian 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: STANEK, KIMBERLY

Agenda Item #18

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

Provider	Date of Service	Amount
Niagara Family Medicine Assoc.	08/14/2013	\$ 49.21

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 Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: GEICO, A/S/O LANGDON, STEPHEN

Agenda Item #19

Council Members:

Date Claim Filed:	November 9, 2011
Date Action Commenced:	August 30, 2012
Date of Occurrence:	September 2, 2011
Location:	Rainbow Center Parking Ramp
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Matthew Fedak
Status of Action:	Litigation stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,716.03
Make Check Payable to:	GEICO a/s/o Stephen Langdon
Conditions:	Stipulation of Discontinuance and 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 Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

RESOLUTION: ZONING BOARD OF APPEALS, REAPPOINTMENT

BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #20

THIS ITEM WAS PULLED FROM THE AGENDA.  
THERE WAS NO ACTION TAKEN ON THIS ITEM

RESOLUTION: SERIGHT, REV. JIMMIE, HONORING, 2014-7  
BY: ALL COUNCIL MEMBERS

Agenda Item #21

WHEREAS, the Niagara Falls City Council wishes to honor the memory of Rev. Jimmie Seright, Founder and Executive Director of the New Jerusalem Boys' Reporting Center, a leader in Operation SNUG, and a much-respected member of our community, and

WHEREAS, Rev. Seright remained a model citizen of Niagara Falls until his death, appearing many times before the City Council and Mayor on behalf of programs he believed would benefit our city, and

WHEREAS, our city has benefitted immensely from Rev. Seright's passion for turning around the lives of troubled young men,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council honors the legacy of Rev. Seright and his lifelong commitment to making the City of Niagara Falls a safe place for its residents.

BE IT ALSO RESOLVED, that the comments of Mayor Paul Dyster (on file in the City Clerk's Office) be added to this resolution and kept in the record of the Niagara Falls City Council.

From Mayor Paul Dyster, January 6, 2014:

"Rest in peace, Jimmie. You were one of a kind. We'll carry on, somehow. For those who didn't know him, Rev. Jimmie Seright was a vibrant and charismatic man who faced many challenges in his own life early on, then 'saw the light' and became - by any measure - one of the City's leading citizen. A 'community activist' in the finest sense, he fearlessly interceded in many 'street' situations where something other than a straight-forward police presence was needed—he was always a friend and ally of both our street kids on the tipping edge and our boys in blue. That's not an easy balance to maintain. But people are alive today who might not be if he hadn't answered the call. Finally, he was a friend and spiritual adviser of mine my whole time in office. He had an uncanny knack of showing up to see me when I didn't think anyone but me knew I was blue. We would talk, then hold hands and pray. And I would feel better, and inspired to get back to work. Every time I saw him - even when the topic was a troubled one - he left me smiling. Do you know someone like that? Aren't they a treasure?"

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: KING, DR. MARTIN LUTHER, JR., BIRTHDAY, 2014-8  
BY: ALL COUNCIL MEMBERS

Agenda Item #22

WHEREAS, Dr. Martin Luther King, Jr. stands as an eternal symbol of the struggle against racial inequality and poverty in the United States of America, and

WHEREAS, Dr. King's commitment to nonviolent activism brought about tremendous, positive change in the moral landscape of America, and

WHEREAS, the City of Niagara Falls seeks to honor the legacy and memory of Dr. King in observation of what would have been his 85<sup>th</sup> birthday, January 15, 2014,

NOW, THEREFORE, BE IT RESOLVED, that all citizens of the City of Niagara Falls be encouraged to observe the birthday of Dr. Martin Luther King, Jr. by living out the principles of love, compassion, and civic engagement that Dr. King professed during his life, as we work toward the betterment of our country and its people.

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: PLANNING BOARD, APPOINTMENT/REAPPOINTMENTS  
 BY: COUNCIL CHAIRMAN CHARLES WALKER  
 Agenda Item #23  
 THIS ITEM WAS PULLED FROM THE AGENDA.  
 THERE WAS NO ACTION TAKEN ON THIS ITEM.

RESOLUTION: PLANNING BOARD, APPOINTMENT/REAPPOINTMENTS, 2014-9  
 BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #24

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Planning Board effective immediately:

<u>REAPPOINTMENT</u>	<u>TERM:</u>
Laurie Davis 1316 24 <sup>th</sup> Street Niagara Falls, New York 14305	12/31/2016
Willie Dunn 3075 Macklem Avenue Niagara Falls, New York 14305	12/31/2016

<u>APPOINTMENT</u>	<u>TERM:</u>
Charles MacDougall 8227 Bollier Avenue Niagara Falls, New York 14304	12/31/2016

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENT/REAPPOINTMENTS,  
 2014-10  
 BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #25

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Zoning Board of Appeals effective immediately:

<u>REAPPOINTMENT</u>	<u>TERM:</u>
Robert Ventry, Jr. 1884 Niagara Avenue Niagara Falls, NY 14305	12/31/2016
John Pallaci 2711 Linwood Avenue Niagara Falls, New York 14305	12/31/2016

<u>APPOINTMENT</u>	<u>TERM:</u>
James Spanbauer 528 College Avenue Niagara Falls, New York 14305	12/31/2016

Yeas	5
Nays	0
	ADOPTED

PURCHASE: PUBLIC WORKS, COLD PATCH, FUNDING

Agenda Item #26

The Director of DPW is requesting that the sum of \$90,000.00 be made available for the purchase of cold patch to be used to fill potholes. This was included in the capital plan. The funds are available from casino funds transferred to The General Fund Department of Street Construction code A.5110.0200.0419.006.

Will the Council so approve?

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

Yeas	4
Anderson, Choolokian, Grandinetti, Council Chairman Walker	
Nays	1
Touma	

APPROVED

Council Member Touma had reservations about the cost-Purchase of Cold Patch should not be considered a Capital Improvement.

GOLF COURSE: EMERGENCY CLEANUP, RESTAURANT, FUNDING

Agenda Item #27

During the recent period of extremely cold weather, five (5) water pipes burst in the restaurant at the Hyde Park Golf Course. The resulting damage was repaired and an expense of \$8,800.00 was incurred in order to repair this damage (\$7,800.00 was for a vendor to do emergency cleaning, \$1,000.00 was for DPW tradesmen to purchase materials to repair the plumbing, walls, ceilings and smoke detectors). The vendor charge will be to code GC.7250.0200.0449.599 and the tradesmen purchase of materials will be to code GC.7250.000.0419.006. Funding is available from fund balance.

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

There being no further business to come before the Council,  
Chairman Walker adjourned the Meeting at 6:53 P.M.

Carol A. Antonucci  
City Clerk



**FEBRUARY 3, 2014**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The first session of the February 3, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson and City Controller Maria Brown.

Police Superintendent Bryan DalPorto gave a presentation on the use of CompStat by the Department. He said that: CompStat (Comparative Statistics/Computer Aided Statistics) is very effective as it allows the Department to identify problems and trends and to react proactively; Officers can be deployed as needed; it has been used effectively for other Police Departments for over twenty years; the Department holds regular CompStat Meetings to stay on top of issues; Officers can do their reports while in their cars, and the information is sent directly to Headquarters to be printed out and looked at by a Supervisor. Council Member Touma asked if the Department shared services with other Agencies, and the Chief replied that they worked with the DEA, FBI, US Marshals Service, Border Patrol and other State and Local Agencies. Council Member Anderson asked the Chief what would be the number of Officers he would like to see in his Department, and the Chief said that there are currently 156, and he would like to see 200. Council Member Anderson felt that increasing the size of the Police force might make using CompStat unnecessary. Council Member Grandinetti thanked the Chief for the information given in his Presentation.

Matt Green and Nirel Patel spoke on the development of the Courtyard by Marriott Hotel at 900 Buffalo Avenue. They said that groundbreaking on the \$12M Project should be in 6 - 7 weeks, and the Project is being done with private funds and some funding through USA Niagara. The hotel will feature a restaurant and other amenities on site that will be open to the public.

Council Member Touma reported on his attendance at a one day workshop for Public Officials sponsored by NYCOM. He said that the Sessions were very informative and helpful to him as a newly elected Official. Mayor Paul Dyster added that he spoke with NYCOM representatives at the Governor's State of the State Address who were looking forward to the attendance at the Workshop by City Officials.

Corporation Counsel Craig Johnson distributed copies of Items to be added to the Agenda:

1. A Resolution relative to appointment to the Water Board, which was tabled at the January 6, 2014 Meeting.

Council Member Grandinetti moved to remove the Resolution from the table.

Yeas 5  
Nays 0

MOTION TO REMOVE RESOLUTION FROM TABLE APPROVED

Council Member Touma moved to amend the Resolution by changing the name of the person appointed to the Board.

Yeas 5  
Nays 0

MOTION TO AMEND RESOLUTION APPROVED

The Resolution was added to the Agenda as #16.

2. A communication relative to expenses to address the systemic problem involving frozen water lines.

Council Member Anderson 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.

Chairman Walker noted a misspelling of the name in Agenda Item #15, a Resolution relative to honoring Black History Month and Ada Lucile Williams.

Council Member Touma moved to amend the Resolution by changing the spelling of Lucile to include two "l's".

Yeas 5  
Nays 0

MOTION TO AMEND RESOLUTION APPROVED

This Session ended at 5:55 PM.

Chairman Walker reconvened the Meeting at 6:13 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti 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:

Dan Davis                      Agenda Item #3  
Paul Gromosiak                Perturbed by overuse of Buffalo Connection with other areas; Niagara Experience Center will spur other development

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: ROPE RESCUE EQUIPMENT, FIRE DEPARTMENT, FUNDING

Agenda Item #1

The Fire Chief advises that it is necessary to purchase replacement rope rescue equipment. The sum of \$11,907.00 is needed for this purpose. Attached (On file in the City Clerk's Office) is a communication from the Fire Chief that itemizes the equipment that is needed. This amount was included in the NFFD 2014 Capital budget. Casino revenues are the source of this funding. These dollars will be transferred to account code H0818.2008.0818.250.000

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: GOLF COURSE RESTAURANT, ADJUSTMENT TO LICENSE AGREEMENT

Agenda Item #2

In the late summer of 2011, a problem developed with the air conditioning unit in the restaurant at the Hyde Park Golf Course run by the City's licensee. The weather was unusually warm during this period of time. The City was unable to repair this air conditioning unit in a timely fashion and in order to conduct his business and preserve his customer base, the licensee rented temporary air conditioners in order to address the problem. He advises that he did so with consent of a City representative. The licensee paid for these air conditioning units he rented from a vendor. The cost was \$3,250.00. Attached (on file in the City Clerk's Office) is a copy of the invoice. The License Agreement specifically makes the air conditioning unit the City's responsibility. Because of the existence of this problem and continuing discussions

between the City and the licensee about a resolution, the licensee did not pay his license fee in 2012.

After much discussion with the licensee about options available, it is recommended that the City set off the cost of renting these two air conditioning units (\$3,250.00) which is the balance before sales tax, from the licensee's payments due the City for year 2012 (\$4,050.00). The licensee is current for all other years of the license. That leaves a balance due from the licensee of \$800.00 which will be paid upon execution of an agreement resolving this matter.

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

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

Yeas 5  
Nays 0  
APPROVED

FIRE DEPARTMENT: ADMINISTRATION BLDG., REHAB WORK/REPLACE ITEMS

Agenda Item #3

The Fire Chief advises that it is necessary to do rehab work and replace certain items at the NFFD Administration building on Walnut Avenue. Damage occurred over the years from a leaking roof which must be addressed. There is also construction that was never completed which must be finalized and there is certain furniture, etc. which is in need of replacement. Attached (on file in the City Clerk's Office) hereto is an itemized list of necessary items which total \$33,899.00. These items were included in the NFFD 2014 Capital Budget for infrastructure. The source of these funds is casino revenues. These dollars will be transferred to account code H1311.2013.1311.0449.599.

Will the Council so approve?

Council Member Choolokian 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: HARLESS, DONALD

Agenda Item #4

Date Claim Filed: July 20, 2013  
Date Action Commenced: N/A  
Date of Occurrence: July 3, 2013  
Location: 2808 Lewiston Road, Niagara Falls, NY  
Nature of Claim: Property damage sustained from broken sewer pipe.  
Status of Action: Claim stage.  
Recommendation/Reason: Best interests of City to pay claim.  
Amount to be Paid: \$34,897.59  
Make Check Payable to: Donald Harless  
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 Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0  
APPROVED

CLAIM: JACKSON, GLORY

Agenda Item #5

Date Claim Filed:	December 12, 2013
Date Action Commenced:	N/A
Date of Occurrence:	December 12, 2013
Location:	Griffon Avenue, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Robert E. Meidenbauer, Jr.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,495.80
Make Check Payable to:	Glory Jackson
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 COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

2750 LIVINGSTON AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #6

DENIED:

1) Request submitted by Savion Piotter, 2750 Livingston Avenue to INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 2750 LIVINGSTON AVENUE. The request was denied since the criteria for the handicapped access space was not met. The residence has a wide driveway to provide access, and therefore the Commission denied this request.

THIS ITEM WAS RECEIVED AND FILED

FERRY AVE. BETWEEN 21<sup>ST</sup> ST. & 22<sup>ND</sup> ST., OVERNIGHT PARKING

Agenda Item #7

At a Traffic Advisory Commission meeting held on January 15, 2014 the Commission recommended APPROVAL of the following item:

INSTALL OVERNIGHT PARKING ON FERRY AVENUE BETWEEN 21<sup>ST</sup> STREET & 22ND STREET (SOUTH SIDE ONLY) WITH "NO PARKING TUESDAY 7AM TO 1PM" RESTRICTION

The New York State Department of Transportation has agreed to allow overnight parking on this roadway as long as it satisfies the City's requirements.

A Petition from the residents of this block was received with 66% signatures.

Submitted By: Roxanne Ortenzi, 2113 Ferry Avenue, Apt. #1 and Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0

APPROVED

4013 BARTON ST., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #8

At the Traffic Advisory Commission meeting held on January 15, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 4013 BARTON STREET

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Teresa Wojton, on behalf of her husband Stanley N. Wojton, 4013 Barton Street

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

1118 ASHLAND AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #9

At the Traffic Advisory Commission meeting held on January 15, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 1118 ASHLAND AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Carrie Brown, 1118 Ashland Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

87<sup>TH</sup> ST. BETWEEN MUNSON & PERSHING AVES., RESCIND ALTERNATE OVERNIGHT PARKING

Agenda Item #10

At a Traffic Advisory Commission meeting held on January 15, 2014 the Commission recommended APPROVAL of the following item:

RESCIND ALTERNATE OVERNIGHT PARKING ON 87<sup>TH</sup> STREET BETWEEN MUNSON AVENUE & PERSHING AVENUE

A Petition from the residents of this block was received with 77% signatures.

Submitted By: Susan Fallon, 718 - 87<sup>th</sup> Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

2746 WOODLAWN AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #11

At the Traffic Advisory Commission meeting held on January 15, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2746 WOODLAWN AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Jeffrey Tornabene, 2746 Woodlawn Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

RESOLUTION: MARRIAGE OFFICER, APPOINTMENT, 2014-11  
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #12

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; and

WHEREAS, the Council finds it appropriate to reappoint a Marriage Officer.

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 employee in the City Clerk's Office, Nadine A. Wasson, be reappointed as Marriage Officer for the City of Niagara Falls for a term of four years.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, REAPPOINTMENT/APPOINTMENT, 2014-12  
BY: COUNCIL MEMBERS ANDERSON, GRANDINETTI, TOUMA, CHAIRMAN WALKER

Agenda Item #13

WHEREAS, the Niagara Falls City Council deems it desirable to renew the Tourism Advisory Board during 2014;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York renews 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, 2014 for a term concluding at the expiration date which appears opposite their names:

<u>REAPPOINTMENT</u>	<u>TERM:</u>
Laurie Davis 1316 24 <sup>th</sup> Street Niagara Falls, New York 14305	12/31/2014
Lisa Vitello 4859 Terrance Drive Niagara Falls, New York 14305	12/31/2014
Mark Mistriner 2945 North Avenue Niagara Falls, NY 14301	12/31/2014
Gay Molnar 2114 River Road Niagara Falls, NY 14304	12/31/2014
Adrienne Bedgood 2256 South Avenue Niagara Falls, NY 14305	12/31/2014

<u>APPOINTMENT</u>	<u>TERM:</u>
Frank Strangio 7708 Niagara Falls Blvd Niagara Falls, NY 14304	12/31/2014
Mickey Dumas 1023 South Avenue Niagara Falls, NY 14305	12/31/2014
Shawn Weber 250 Rainbow Boulevard Niagara Falls, NY 14303	12/31/2014
Perry Jost 327 Buffalo Avenue Niagara Falls, NY 14303	12/31/2014
John Briglio 2725 Woodlawn Avenue Niagara Falls, NY 14301	12/31/2014
Dan Mehzir 2208 Weston Avenue Niagara Falls, NY 14305	12/31/2014
Allison Appoloney 333 Prospect Street Niagara Falls, NY 14303	12/31/2014
Ernest Lucantonio 2450 Forest Avenue Niagara Falls, NY 14301	12/31/2014

Willie A. Price 12/31/2014  
91 Deuro Drive  
Niagara Falls, NY 14304

Kim M. Congi 12/31/2014  
8416 Carol Court  
Niagara Falls, NY 14304

Traci L. Bax 12/31/2014  
8654 Hennepin Avenue  
Niagara Falls, NY 14304

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: SENIOR CITIZEN COUNCIL, APPOINTMENT, REAPPOINTMENT, 2014-13  
BY: Council Members Grandinetti, Touma, Chairman Walker

Agenda Item #14

BE IT RESOLVED, that the following individuals are hereby appointed and reappointed, respectively, to the City of Niagara Falls Senior Citizen Council effective immediately:

APPOINTMENT TERM:

Jean Stewart 12/31/2016  
(To the seat formerly occupied by the retiring Ms. Elsie Golanka)  
3022 Ontario Ave  
Niagara Falls, New York 14305

REAPPOINTMENT TERM:

Marie DeFelice 12/31/14  
2540 Jerauld Avenue  
Niagara Falls, NY 14305

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: BLACK HISTORY MONTH, HONORING, ADA LUCILLE WILLIAMS 90<sup>TH</sup>  
BIRTHDAY, 2014-14  
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, In February we celebrate Black History Month, a time to recognize people who made sacrifices for the common good, whose will was unbending, whose individual ambitions and endowments they put into a service of a cause greater than personal wealth or fame, and

WHEREAS, Ada Lucille Williams born February 29, 1924 in Vicksburg, Mississippi grew up in the segregated south where due to the hard times, she learned the valuable lessons about teamwork and

WHEREAS, Ms. Williams and her late husband James Louis Williams migrated from Vicksburg to Niagara Falls, New York in 1948, joining the New Hope Baptist Church, working in the mission society, raising 9 children, grand children and relatives and babysitting for neighbors while finding time to participate in the March of Dimes and Muscular Dystrophy campaigns, and

WHEREAS, the Williams home served as an oasis for those migrating from the south in search of a better quality of life, Ma Williams, as she is affectionately called, is a founding member of the Mt. Zion Missionary Baptist Church, where she serves as church mother and president of the Missionary Society, she has and continues to inspire those in the community to strive for greatness and put your best foot forward, she is a black pioneer, a virtuous woman, Niagara Falls has been blessed by the life of Ada Lucille Williams in many ways, now

THEREFORE, we the Niagara Falls City Council on behalf of the citizens of this great city would like to wish Ada Lucille Williams a happy 90<sup>th</sup>, birthday and we are proud to be able to do this during this month of recognition of African Americans who have contributed so much to the success of this country, of this state and this city..

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: WATER BOARD, APPOINTMENT, 2014-15  
BY: COUNCIL MEMBER GRANDINETTI, TOUMA, CHAIRMAN WALKER

Agenda Item #16

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Water Board effective immediately:

APPOINTMENT TERM:

Gary Laible 12/31/2015  
1118 Pasadena Avenue  
Niagara Falls, New York 14304

Yeas 5  
Nays 0  
ADOPTED

CONTRACT: FROZEN WATER LINES, GROSS PHC

Agenda Item #17

On the morning of February 2, 2014 I declared a Limited State of Emergency for the area of the City described as follows: The 500 block of 72<sup>nd</sup> Street and the 400 block of 77<sup>th</sup> Street. At least 12 houses were without water service for several days as a result of frozen water lines. This is believed to be a systemic problem impacting multiple properties and beyond the ability of individual homeowners to address through the exercise of their normal maintenance responsibilities. Subsequent to declaring this Limited State of Emergency, I issued an Emergency Order directing the Acting Director of Code Enforcement to immediately engage the services of an outside contractor to begin the process of thawing water lines resulting in the restoration of water service, as the lack of water poses a threat to public health and safety.

Bids were solicited and the low bid was submitted by Gross PHC (Erie-Niagara Mechanical) of \$2,920.00 for work needed to be performed at each property affected. The City reserved the right to add or subtract properties from the list that was compiled. I am requesting that the City Council confirm the retention of Gross PHC (Erie-Niagara Mechanical ) the low bidder, to take appropriate action, pursuant to its bid, to remedy this emergency problem and that the sum of \$45,000.00 dollars be made available for this purpose.

The City was required to mobilize Code Enforcement personnel to deal with this problem during non-working hours. Therefore, I am requesting that the sum of \$2,000.00 plus \$153.00 fringe costs be made available to the overtime budget line in the department of Code Enforcement.

Between the amount requested to pay the contractor and the amount requested for overtime, I am requesting that the sum of \$47,153.00 dollars, in total, be made available. Funding is available from H0812.2008.Road Reconstruction.

Will the Council so approve?

Council Member Choolokian 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 Walker adjourned the Meeting at 6:30 P.M.

Carol A. Antonucci  
City Clerk

**2014 INDEX  
CITY COUNCIL MINUTES  
NIAGARA FALLS, NEW YORK**

**"A"**

**"B"**

Black History Month, Honoring . . . . .	.30
Block Club Council, funding . . . . .	5

**"C"**

**CITY CONTROLLER:**

Debt Management Policy . . . . .	14
Finance Division, reorganization . . . . .	15

**CITY COUNCIL:**

Meeting Times, 2014. . . . .	.1
Secretary, appointment . . . . .	.8

**CLAIMS:**

Harless, Donald . . . . .	.25
Jackson, Glory . . . . .	26
Langdon, Stephen . . . . .	18
Stanek, Kimberly . . . . .	18

**CODE ENFORCEMENT:**

Electrical Inspector Stipend . . . . .	14
--	----

**CONTRACT:**

Ashland Ave., 1515, Pierce Ave., 1363, demolition, RED . . . . .	11
Block Club Council . . . . .	.5
Cooper Sign, 19 <sup>th</sup> St. Park signage . . . . .	5
Drainage Replacement/Repair, Yarussi . . . . .	17
Engineering Dept., Consulting, Clark, Patterson, Lee . . . . .	13
Golf Course Restaurant, Adj. to License Agreement . . . . .	.24
Grant Writing Services. . . . .	.14
In Rem . . . . .	12
Niagara Arts & Cultural Center . . . . .	.6
Niagara Community Action Program . . . . .	.4
Niagara Falls Beautification Commission . . . . .	4
Niagara Military Affairs Council . . . . .	.4
Pedestrian Activated Traffic Signal, South Buffalo Electric . . . . .	.17
Royal Ave., resurfacing, Quigliano . . . . .	16
Sal Maglie Stadium, lighting, Ferguson . . . . .	13
Stormwater Pollution Prevention Program, Greenman Pederson . . . . .	16
Train Station . . . . .	.15
Tree Removal, Bentley Tree Care . . . . .	.12
Water Board, Safety Specialist . . . . .	.5

**"D"**

**"E"**

**"F"**

**FIRE DEPARTMENT:**

Administration Bldg., rehab work/replace items . . . . .	25
Purchase of Rope Rescue Equipment . . . . .	.24

**"G"**

**GOLF COURSE:**

Restaurant emergency cleanup . . . . .	21
--	----

**"H"**

**"I"**

Investment Policy, adoption . . . . .	6
<b>"J"</b>	
<b>"K"</b>	
King, Dr. Martin Luther, Jr., Birthday . . . . .	.19
<b>"L"</b>	
<b>"M"</b>	
Marriage Officer, appointment . . . . .	8, 28
<b>"N"</b>	
Niagara Arts & Cultural Center, funding . . . . .	6
Niagara Community Action Program, funding . . . . .	4
Niagara Falls Beautification Commission, funding . . . . .	.4
Niagara Gazette, official Newspaper . . . . .	6
Niagara Military Affairs Council, funding . . . . .	4
<b>"O"</b>	
<b>"P"</b>	
Planning Board, appointments/reappointments. . . . .	.7, 20
<b>PUBLIC WORKS</b>	
Overtime . . . . .	13
Reorganization . . . . .	.5
<b>PURCHASE:</b>	
Cold Patch . . . . .	21
Rope Rescue Equipment, Fire Dept. . . . .	.24
<b>"Q"</b>	
<b>"R"</b>	
<b>RESOLUTIONS:</b>	
Black History Month, 2014-14 . . . . .	30
City Council, Meeting Times, 2014-1 . . . . .	1
Council secretary, 2014-5 . . . . .	8
Investment Policy, adoption, 2014-2 . . . . .	6
King, Dr. Martin Luther, Jr., Birthday, 2014-8 . . . . .	19
Marriage Officer, appointment, 2014-6, 2014-11. . . . .	8, 28
Niagara Gazette, official Newspaper, 2014-3 . . . . .	6
Planning Board, appointments/reappointments, 2014-9 . . . . .	.7, 20
Senior Citizen Council, appointment/reappointment,	
Seright, Rev. Jimmie, Honoring, 2014-7 . . . . .	19
Tourism Advisory Board, reappointment/appointment, 2014-12 . . . . .	28
Traffic Advisory Commission, appointment, 2014-4 . . . . .	.6
Water Board, appointment, 2014-15. . . . .	.7, 31
Williams, Ada Lucille, Honoring, 2014-14 . . . . .	30
Zoning Board of Appeals, appointments/reappointments, 2014-10 . . . . .	.7, 18, 20
<b>"S"</b>	
Senior Citizen Council, appointment/reappointment . . . . .	.30
Seright, Rev. Jimmie, Honoring . . . . .	19
<b>"T"</b>	
Tourism Advisory Board, reappointment/appointment . . . . .	.28
<b>TRAFFIC ADVISORY COMMISSION:</b>	
Appointment . . . . .	6
Ashland Ave., 1118, Handicap Access Space . . . . .	.27
Barton St., 4013, Handicap Access Space . . . . .	.27
87 <sup>th</sup> St., between Munson & Pershing Aves., rescind alt. parking . . . . .	.27
Ferry Ave., between 21 <sup>st</sup> & 22 St, overnight parking . . . . .	.26
Livingston Ave., 2750, Denial of Handicap Space . . . . .	.26
Woodlawn Ave., 2746, Handicap Access Space . . . . .	.28
Train Station . . . . .	.16
<b>"U"</b>	

"V"  
"W"

**WATER BOARD**

Appointment . . . . . 7, 31  
Safety Specialist . . . . . 5

"X"  
"Y"  
"Z"

Zoning Board of Appeals, appointments/reappointments . . . . . 7, 18, 20