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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**

---

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



**FEBRUARY 19, 2014**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The first session of the February 19, 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, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Choolokian moved to approve the Minutes from the City Council Meetings of January 21 and February 3, 2014.

Yeas	5
Nays	0

APPROVED

Paul Gromosiak gave a presentation on the history of the Old Stone Chimney, and suggested replicating the house that the Chimney was originally attached to as a museum. Mayor Paul Dyster added that the timeframe for moving the Chimney was advanced by the Robert Moses Parkway Project, and funding was available to move the Chimney as part of the Project.

Deputy Corporation Counsel Thomas O'Donnell spoke on the history of the City Charter and work done on changes in the Charter over the years. He suggested using the Charter that was done by the Charter Commission in the 90's as a basis to start the process of updating and codifying the City Charter.

Council Member Grandinetti asked for an update on the sanitation contract at the next Council Meeting, and City Administrator Donna Owens said that she would provide the update.

Council Member Touma asked if the recommendation of Comptroller Thomas DiNapoli for a multi-year spending plan was being implemented. Mayor Paul Dyster responded that with the Casino funds now coming in, the City's spending plan was on track. The Mayor also encouraged the Council to take another look at participating in the State's Financial Restructuring Plan.

Council Member Anderson said that the condition of streets in the City is deplorable, and asked about getting the Pothole Killer back for use in the City. The Mayor responded that he was putting together a recommendation for the next Council Meeting. Council Member Walker asked if a cost analysis has been done on streets that have been repaired, and then seem to need repairs after a year or so. He also asked if research has been done on the type of materials used in the streets repairs. Council Member Anderson added that the State should provide assistance on repairs on State roads. The Mayor also said that City crews are cold patching streets when they are not plowing/salting the streets. Council Member Choolokian suggested that using a higher quality material for in-house street repairs may be more cost effective.

Council Member Touma inquired about selecting dwellings to be demolished (Agenda Item #3), and Community Development Director Seth Piccirillo responded that three areas of the City are targeted for demolitions with this round of funding. Director of Code Enforcement Dennis Virtuoso added that fire damaged, City owned and structurally unsound buildings are demolished first. Council Member Choolokian asked about the time frame involved before a structure is demolished, and Mr. Virtuoso responded that different situations required different time frames, and that the Housing Court process needed to be speeded up. 33

Mayor Dyster said that there were a number of persons who had expressed an interest in serving on the Library Board (Agenda Item #13), and he would submit additional names for appointment at the next Council Meeting.

Council Member Choolokian said that he had questions on the settlement in the matter of One Niagara vs Board of Assessment Review (Agenda Item #15) and Corporation Counsel Craig Johnson said that the matter should be discussed in an Executive Session. Council Member Touma moved for an Executive Session at 6:00, and his motion was unanimously approved. His motion to end the Session at 6:14 PM was also unanimously approved.

This Session ended at 6:15 PM

Chairman Walker reconvened the Meeting at 6:20 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Touma 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:

Richard Soluri	Agenda Item #15
Tony Farina	Agenda Item #15
Jim Haid	Agenda Item #5
Ken Hamilton	Agenda Items #5, 16, 17
Paul Gromosiak	Lectures at NACC about Portage history; there are good people & good things in this Community
Rev. Kevin Dobbs	Issues in North End relating to Community Development Dept.
Amy Witryol	Covanta Project
Ken Hamilton	Streets renaming; Lewiston Road Project leftovers; ball diamonds & football field in North End; Covanta Project

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF JANUARY 2014

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2014

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DEMOLITIONS, REGIONAL ENVIRONMENTAL DEMOLITIONS

Agenda Item #3

The following bids were opened by the Department of Community Development on February 6, 2014 for the demolition Of twenty (20) structures identified on the attached list (on file in the City Clerk's Office).

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Regional Environmental Demolitions, Inc.	\$456,822.00
Empire Dismantling, Inc.	529,150.00
Metro Contracting, Inc.	592,700.00

It is our recommendation that a contract be awarded to the low bidder, Regional Environmental Demolitions, at their base bid amount of \$456,822.00.

Funding is available from the following accounts

\$90,000 - CDBG (CD1.8666.0000.0450.500

\$366,822 - H0910.2009.0910.0449.599

Will the Council vote to award contract CD2014-1 to Regional Environmental Demolitions, Inc. and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

HYDE PARK PLAYGROUND, EQUIPMENT REPLACEMENT, CD BLOCK GRANT FUNDING

Agenda Item #4

The Community Development Department has identified \$52,300 in past year United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding that is eligible for Hyde Park Playground equipment replacement. Replacement of Hyde Park Playground equipment is consistent with the recently completed City Parks Master Plan.

Funding is being re-programmed from the following sources:

2011 Single Family Housing Rehabilitation - \$25,000  
2013 Un-programmed Funding (As a Result of 1212 Niagara Street - Year 2000) - \$27,300

The proposed CDBG funds must be allocated and expended on CDBG eligible projects to meet HUD timeliness requirements. Public service programs are not eligible for these re-programmed funds because the City is currently at its 2014 public services cap of 15 percent of the total CDBG allocation.

Reallocation will ensure that these funds are dedicated to a project that meets the CDBG national objectives and delivers a community benefit in 2014.

Will the Council vote to allow the reallocation of \$52,300 in CDBG funding to replace Hyde Park Playground Equipment?

Council Member Touma moved to table the communication.

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

TABLED

CONTRACT: ISAIAH 61, PRE-DEMOLITION SALVAGE AGREEMENT

Agenda Item #5

Continuous evaluation of traditional municipal demolition practices is a necessity. In 2012, the Niagara Falls Community Development Department successfully began bidding smaller demolition contracts, 10-20 houses, to reduce costs. Adopting a pre-demolition salvage strategy now is another logical way to change our demolition strategy to help create employment and commerce, and to save building materials. The Community Development Department proposes an access and indemnification agreement with the Isaiah 61 Project, Inc. (I61) for pre-demolition salvage. This builds on the City's job creation/home renovation partnership with the organization.

The agreement will give I61, a fully insured home renovation non-profit organization, access to specific City-owned residential properties on the pre-demolition list. The Community Development Department, in consultation with the Code Enforcement Office, will identify ten structures that I61 can enter for salvage purposes. Fully licensed I61 employees, not students, will be able to remove non-structurally significant materials from the house for re-sale purposes. Only materials which will not disturb any potential asbestos containing materials will be allowed to be removed. Community Development and Code Enforcement will approve in advance any materials to be removed from the structures, as it also oversees pre-demolition environmental services contracts.

After removal, the materials will be sold at the I61 Re-Use store, to be opened this year, generating sales tax and offering a community benefit. Currently, no such store exists in the City of Niagara Falls. In addition, the re-sale store will create three new jobs within I61, offered to graduates of its job-training program. In partnership with the City of Niagara Falls, the permanent home of the I61 Re-Use Store will be the 3721 Highland Avenue Fire House. The Re-Use store will create commerce in a currently vacant, city owned building, returning it to the tax roll.

The salvaged building materials have minimal value. The materials are within structures that the City is paying to demolish. The staff time associated with assessing the actual value per item and creating a public salvage proposal would be higher than the potential collected value. Because the materials have minimal or negative value, the removal of the materials by I61 will not conflict with the New York State Constitution prohibition of gifts of municipal property.

An initial ten house agreement allows the City to evaluate this approach without a long-term commitment. Contracting with an insured organization, with which the City has other performance-based agreements, makes more managerial sense. All salvage work will occur prior to pre-demolition environmental testing, so this contract will have no impact on required abatement. As the removed materials will not be structurally significant, the removal should have no impact on demolition contract cost. As stated above, the Community Development Department bids demolition contracts in 10-20 house increments. Pre-demolition salvage impact will be tracked and evaluated to determine if this will be repeated in the future.

Will the Council so approve the I61 access and indemnification contract as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

APPROVED

CITY PROPERTY: MEMORIAL PARKWAY, 452, SALE

Agenda Item #6

452 Memorial Parkway is currently a city owned vacant house. It was included in the September 14, 2013 Niagara Falls Community Development Home Ownership Auction. Artina K. Deakyne was the successful bidder at \$2,650. Property sale was approved by the Niagara Falls Planning Board on January 22, 2014 (Approval of Recommendation Letter Attached) (on file in the City Clerk's Office).

Purpose of sale: Sale with return vacant, city owned property to the tax roll, prevent a city funded demolition, allow the rehabilitation of a blighted structure and increase home ownership.

Home Ownership Auction Stipulations: (1) Purchaser must live in the home as the prime occupant for no less than five years. (2) Purchaser must agree to rehabilitate the property to code within one year of signing the sale agreement with the City of Niagara Falls. (3) Purchaser must submit a detailed repair/rehabilitation plan to the Community Development within 60 days of the auction date.

Tasks completed prior to Planning Board submission: (1) MiKelly Construction completed a full rehabilitation cost estimate. (2) The Niagara Falls Inspections Department completed a full code violation report. (3) The Community Development Department completed a financial resources review and qualified the successful bidder for the United States Department of Housing and Urban Development Deferred Home Loan Program: \$30,000 home renovation. \$10,000 led based paint assessment and abatement. (4) Niagara Falls Planning Board recommended disposition on January 22, 2014. Upon City Council approval, the successful bidder will enter into a legal agreement with the City of Niagara Falls, including the stipulations above.

Will the Council vote to allow the sale of 452 Memorial Parkway?  
Council Member Anderson moved that the communication be received  
and filed and the recommendation approved.

Yeas 5  
Nays 0  
APPROVED

CONTRACT: HYDE PARK ICE FACILITIES RENOVATION, LOCKER ROOMS, DIDONATO ASSOCIATES

Agenda Item #7

In 2009 Request for Proposals were issued by the City for architectural and engineering professional services for the Rehabilitation of Hyde Park Ice Pavilion. The original firm chosen, based on a NYSDOT merit selection process, was DiDonato Associates, P.E., of Buffalo, NY.

The City has negotiated an extension of their services for the next phase including coordination with the ongoing Rink 1 reconstruction approved by Council, slated to start this summer.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to DiDonato Associates at its Proposal Price of \$94,500.00 Funding is available through Casino Revenues.

Will the Council vote to approve and authorize the Mayor to execute a contract for professional services 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

POLICE DEPARTMENT: FIRING RANGE/TRAINING EQUIPMENT, FUNDING

Agenda Item #8

The Superintendent of Police has requested certain pieces of equipment for firing range/training for members of the NFPD. Attached (on file in the City Clerk's Office) is an itemized list of the requested equipment totaling \$40,100.00. This equipment was contained in the NFPD 2014 Capital Budget. Casino revenues is the source of this funding.

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

FIRE DEPARTMENT: THERMAL IMAGING CAMERAS, FUNDING

Agenda Item #9

The Fire Chief is requesting that the sum of \$34,644.00 be made available to his department for the purchase of thermal imaging cameras as well as a truck mount charger. This is pursuant to the attached quote (on file in the City Clerk's Office). These items were included in the NFPD 2014 Capital Budget. Funding is available from casino revenues.

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

POLICE DEPARTMENT: COMPUTER EQUIPMENT/UPGRADES, FUNDING

Agenda Item #10

The Superintendent of Police is requesting certain new computers and upgrades, some of which are in order to comply with the Consent Decree with the Office of the NYS Attorney General. Attached (on file in the City Clerk's Office) hereto is an itemized list of the requested computer equipment and upgrades which totals \$42,250.00. This computer equipment was included in the NFPD 2014 Capital Budget. Casino revenues is the source of funding for this equipment.

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: FROZEN WATER LINES, APPROPRIATION OF ADDITIONAL DOLLARS, GROSS PHC

Agenda Item #11

During the City Council meeting on February 3, 2014 the City Council appropriated the sum of \$45,000.00 in order to remedy the weather-related frozen water line emergency problem that arose in the 500 block of 72<sup>nd</sup> Street and the 400 block of 77<sup>th</sup> Street. Recall that the Mayor declared a Limited State of Emergency and issued an Emergency Order which has now been supplemented due to additional properties being adversely affected. The City reserved the right to add or subtract properties from the list of adversely affected properties that existed at that time. Water service has been restored to the properties contained on the original list. There are, however, additional properties that are adversely affected by this systemic problem resulting in frozen water lines. It is therefore requested that an additional \$21,000.00 be made available to the Department of Code Enforcement in order to continue the services of the low bidder, Gross PHC (Erie-Niagara Mechanical), to take appropriate action, pursuant to its low bid, to remedy this emergency problem. It is also requested that an additional \$1,000.00 be made available to the Department of Code Enforcement overtime line in anticipation of follow up inspections that must be performed.

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

Council Member Touma said that if it is determined the issue is the fault of the Water Board then the City should be reimbursed by the Water Board.

CONTRACT: LEWISTON ROAD RECONSTRUCTION II, CHANGE ORDER #4, ACCADIA SITE CONTRACTING, INC.

Agenda Item #12

A contract for the above-referenced project was awarded to Accadia Site Contracting, Inc. on October 1, 2012 in the amount of \$4,359,854.00.

Subsequent to the long-awaited completion of the road construction project, several tasks not originally included in the project's scope were performed to effectively finish the outstanding signage, signalization and landscaping issues required within the Lewiston Road right-of-way. The cost associated with these extra tasks is \$175,726.00, bringing the final construction total to \$4,869,920.00.

It is important to note that a substantial portion (\$131,205.84) of this change order request is 95% reimbursable by the New York State Department of Transportation via a pending supplemental agreement. Additionally, any remaining costs (\$44,520.16) can and will be added as a damage claim against the original contractor as ongoing litigation continues. Funding is available from Road Construction H0812.2008.

Will the Council vote to approve and authorize the Mayor to execute a change order 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

LIBRARY BOARD: APPOINTMENT/REAPPOINTMENTS

Agenda Item #13

I hereby appoint the following to the Niagara Falls Library Board:

<u>Appointment:</u>	<u>Term Expires:</u>
Miguel J. Marin	12/31/2018

I hereby reappoint the following to the Niagara Falls Library Board:

<u>Reappointments:</u>	<u>Term Expires:</u>
Carmen Granto	12/31/2014
Carrie Hunter Mitchell	12/31/2017
Don King	12/31/2018

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: STANEK, KIMBERLY

Agenda Item #14

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

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

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	1/29/2014	\$ 35.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

CLAIM: ONE NIAGARA LLC, TAX CERTIORARI PROCEEDINGS

Agenda Item #15

As the Council is aware, the above referenced taxpayer has commenced tax assessment challenges for the years set forth above for the property located at 360 Rainbow Boulevard.

In addition, there are a number of unpaid taxes included in the City's In Rem Tax Foreclosure and the taxpayer has also commenced a proceeding under Section 556 of the Real Property Tax Law, alleging errors with regard to the 2008 assessment of the property.

After lengthy negotiations, and with the assistance of State Supreme Court Justice Ralph A. Boniello, III, a tentative settlement has been reached. The settlement provides that the challenge under Section 556 referenced above will be discontinued and all of the taxes levied pursuant to assessment rolls prior to July 1, 2009 will be paid in full, together with all penalties and interest.

For the assessment rolls from July 1, 2009 through July 1, 2013, the assessment would be set at \$1 Million. Revised bills reflecting the \$1 Million assessment would be issued for these taxes and they would also be paid in full. All of the above amounts for City and School Taxes total approximately \$1,550,000. (All unpaid County Taxes will also be paid in full.) These payments will occur prior to February 28, 2014.

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

Will the Council so approve?

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

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

APPROVED

Council Member Choolokian said he will accept the recommendation of the Corporation Counsel & the City Assessor to approve the settlement.

Council Member Grandinetti said that a dangerous precedent is being set & the City should let the Courts tell us what to do.

Council Member Touma said the choice is to continue a long standing dispute or settle on a compromise & a compromise will provide a continuing revenue stream for the City.

RESOLUTION: CITY CHARTER REVISION, 2014-16  
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #16

WHEREAS, this City Council is aware of the fact that there are in existence several versions of the City Charter; and

WHEREAS, issues have arisen which make it apparent that inconsistencies exist in the various versions of the City Charter and that it is necessary to address and eliminate those inconsistencies; and

WHEREAS, this City Council believes that it is in the best interests of the City, its taxpayers and residents to have a City Charter that is able to be understood and used by City officials, City taxpayers and City residents as a resource that defines the relationships between the various branches and levels of City government and also as a foundation upon which to base the orderly transaction of City business.

NOW, THEREFORE, BE IT RESOLVED, that this City Council does hereby declare a need to address and eliminate the inconsistencies in the various versions of the City Charter that exist; and be it further

RESOLVED, that pursuant to Article III, Section 3.2(d) of the City Charter, this City Council does hereby designate itself as a temporary committee to begin the process of addressing and eliminating the inconsistencies between the various versions of the City Charter that exist; and be it further

RESOLVED, that this City Council will meet for this purpose on an "as needed" basis for the purpose of undertaking this Charter revision task and will frequently call upon the public to participate in this process and provide input as the process continues.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: REDUCTION OF SPEED LIMIT IN DOWNTOWN NIAGARA FALLS, HOME RULE

BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, Section 1634 of the New York State Vehicle and Traffic Law, concerning speed limits on highways in cities and villages, provides that no such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than 30 miles per hour; and

WHEREAS, Senator George Maziarz introduced Senate Bill No. S4673 and Assemblyman John Ceretto introduced Assembly Bill A06611, as annexed hereto, which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area in furtherance of projects to attract new investment in said downtown area; and

WHEREAS, in order for the legislative process to continue, this Council is asked to adopt the annexed Home Rule Request.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S4673 and Assembly Bill A06611, entitled "An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls", and this Council declares that a necessity exists for the enactment of such legislation; and

BE IT FURTHER RESOLVED, that the Clerk of this Council is directed to complete and certify the Home Rule Requests and forward copies of the New York State Legislature as required.

Council Member Grandinetti moved to table the resolution.

Yeas	5
Nays	0

TABLED

There being no further business to come before the Council,  
Chairman Walker adjourned the Meeting at 7:20 P.M.

Carol A. Antonucci  
City Clerk



**MARCH 3, 2014**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The first session of the March 3, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:05 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 Touma moved to approve the Minutes from the City Council Meeting of February 19, 2014.

Yeas

5

Nays

0

APPROVED

Jeff Pirrone of Goodwill Industries spoke on the Western New York Mobile Safety Net Team, sponsored by the Oishei Foundation. He said that the Team has identified that poverty, unemployment/underemployment, lack of a vehicle for transportation, lack of health insurance and cost of housing have impacted the residents in the area, and the Team is working with other entities to address these quality of life issues.

Deputy Superintendent of Police Kelly Rizzo spoke on the recent situation at a Pine Avenue Store, and said that the investigation is ongoing, and is now being handled by other Agencies. Mayor Paul Dyster commended the Police Department for taking a pro-active approach to the situation, and also commended the presence of Officers walking the streets in areas of the City.

Mayor Dyster spoke on the Agreement for Parking Consulting Services provided by Desman Associates (Agenda Item #5) and said that USA Niagara was assisting the City in developing the Project. During a lengthy discussion on the Project, Chairman Walker questioned the function of the Parking Director; Council Member Grandinetti said that this was not just a "cigar box" operation; Council Member Anderson spoke on implementing a system that was simple to use. Council Member Touma asked that a Council Member be added to the Committee for the Project.

Council Member Touma asked if the City Controller had confirmed that funding was in place for Personnel adjustments in various Departments (Agenda Item #12). Mayor Dyster and City Administrator Donna Owens explained that funding was available in each of the Departments, the personnel changes had been justified by the Department Heads, and no "new" money was being requested. City Controller Maria Brown added that she needed to review the adjustments.

Council Member Grandinetti moved to amend Agenda Item #15 by adding additional names for appointment as Commissioner of Deeds.

Yeas

5

Nays

0

AMENDMENT APPROVED

This Session ended at 6:13 PM

Chairman Walker reconvened the Meeting at 6:30 P.M. in the Council Chambers with all Council Members present. The Chairman 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:

Ron Anderluh

Agenda Item #5

Sean Edwards

Agenda Items #16, #17

Denise Easterling

Agenda Items #18, #19

43

Diane Tattersall	Agenda Item #5
Michael Henderson	Agenda Item #5
Michael Quarcini	Agenda Item #5
Paul Gromosiak	Niagara Falls program on History Channel; make Museum of History on electricity
Ron Anderluh	Homestead/Non Homestead proportion; use money from One Niagara settlement for tax relief; develop 39 <sup>th</sup> St. school property
Perry Jost	Condition of Fallside Hotel; condition of street lights in downtown area; condition of Hotel Niagara roof

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

POLICE DEPT.: PURCHASE OF VARIOUS ITEMS, SWAT DIVISION, FUNDING

Agenda Item #1

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

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

Council Member Touma said this vehicle has a 20 year life expectancy & he's happy to approve the funding.

CONTRACT: POTHOLE KILLER, PATCH MANAGEMENT, INC,

Agenda Item #2

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

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

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: POSTRETIREMENT HEALTH BENEFITS PLAN, CONSULTING SERVICES, HARBRIDGE CONSULTING GROUP, LLC

Agenda Item #3

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

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

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

Yeas 5  
Nays 0  
APPROVED

CONTRACT: SCHOOL DISTRICT, OSC-21, FUNDING

Agenda Item #4

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

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

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

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

APPROVED

CONTRACT: PARKING CONSULTING SERVICES, DESMAN ASSOCIATES

Agenda Item #5

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

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

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

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

DEFEATED

Council Member Anderson said he thinks there are more important priorities. Council Member Choolokian said there are other options for parking & the money should be spent on something more important. Council Member Touma said there are a lot of positives to do this & this will provide a needed source of revenue. Chairman Walker said he has more questions that need to be answered.

CONTRACT: 1022 MAIN ST. PROTECTIVE CEILING SCAFFOLDING, SAFESPAN SCAFFOLDING, LLC

Agenda Item #6

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

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

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

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

Funding is available.

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

Yeas 5  
Nays 0

APPROVED

PURCHASE: LIGHT FIXTURES/LIGHT BULBS REPLACEMENT, LASALLE FACILITY GYM, ANDERSON ELECTRIC

Agenda Item #7

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

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

LAW DEPT.: MICROCASSETTE TRANSCRIBERS, FUNDING

Agenda Item #8

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

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: NEW ROAD CORPORATION YARD EQUIPMENT STORAGE FACILITY, CHANGE ORDER #1, RB MAC CONSTRUCTION CO., INC.

Agenda Item #9

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

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

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

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

Yeas 5  
Nays 0  
APPROVED

CONTRACT: FIRE DEPT. OFFICERS ASSOCIATION, LOCAL 3359

Agenda Item #10

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

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

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

Yeas 5  
Nays 0  
APPROVED

Council Member Touma said this is long overdue & well deserved.

CONTRACT: GOLF COURSE RESTAURANT, PATRICK DRISCOLL

Agenda Item #11

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

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

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

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

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

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

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

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

Yeas 5  
Nays 0  
APPROVED

PERSONNEL CHANGES: VARIOUS DEPARTMENTS

Agenda Item #12

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

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

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

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

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

Will the Council so approve?

Council Member Anderson moved to table the communication.

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

TABLED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: STANEK, KIMBERLY

Agenda Item #13

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

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

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	2/03/2014	\$ 35.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

CLAIM: WULF, DANIEL

Agenda Item #14

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

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

Council Member Choolokian 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 #15

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

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

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

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

Yeas	5
Nays	0

APPROVED

RESOLUTION: PLUMBING ORDINANCE, AMENDING CHAPTER 1111, 2014-17

BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #16

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1111 of the Codified Ordinances entitled APlumbing Code of the City of Niagara Falls, New York@ is hereby amended by amending Section 1111.09 entitled "Registration and Licensing of Journeymen Plumbers" to read as follows:

1111.09 REGISTRATION AND LICENSING OF JOURNEYMEN PLUMBERS

• • •

(e) Examination:

(1) An applicant who has been accepted by the Board shall be given an examination. If the applicant obtains a passing grade, he shall be entitled to a journeyman's license. The Board shall determine a passing grade but in no case shall it be lower than 50 percent.

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

• • •

Bold and Underlining indicate Additions.

Bold and Brackets indicate [Deletions].

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

ADOPTED

Council Member Choolokian said he has concerns that this will hurt current & future Niagara Falls workers.

RESOLUTION: "PERMITS, FEES AND CERTIFICATES", AMENDING CHAPTER 1107, 2014-18  
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #17

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 entitled "Permit Fees" to read as follows:

1107.10 PERMIT FEES

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

. . .

ADDITIONAL PLUMBING FEES:

Application [to take the Plumbing Examination]:

- a. Master Plumber \$70.00
- b. Journeyman Plumber [\$70.00] \$100.00

. . .

Registration Fees:

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

Renewal Fees:

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

Reinstatement Fees:

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

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

Yeas	5
Nays	0

ADOPTED

RESOLUTION: TUBMAN, HARRIET, HONORING, 2014-19  
BY: ALL COUNCIL MEMBERS

Agenda Item #18

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

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

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

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

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

Yeas	5
Nays	0

ADOPTED

RESOLUTION: LOCAL HISTORY MONTH, 2014-20  
BY: ALL COUNCIL MEMBERS

Agenda Item #19

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

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

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

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

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:20 P.M.

Carol A. Antonucci  
City Clerk

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