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January 5, 2015

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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The first session of the January 5, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:06 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, Acting City Administrator Bryan DalPorto, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Chairman Walker announced that the First Order of Business would be the election of Council Chairman for 2015, and asked if there were any nominations. Council Member Anderson nominated Council Member Touma, seconded by Council Member Choolokian. There were no additional nominations, and Council Member Touma was unanimously elected Council Chairman for 2015.

The Oath of Office for Council Chairman Touma was administered by City Clerk, Carol A. Antonucci, as the Bible was held by Chairman Touma's mother, wife and children.

Chairman Touma thanked the Council Members for their support, and Council Member Walker thanked the Council Members for the opportunity to serve as Council Chairman for 2014.

Council Member Walker moved to approve the Minutes from the Special Council Meetings #1, #2 of December 12, 2014, Special Council Meeting of December 15, 2014, Council Meeting of December 22, 2014, Special Council Meeting of December 26, 2014.

Yeas	5
Nays	0
	APPROVED

In the Administrative Update, Mayor Paul Dyster:

1. Congratulated Council Chairman Touma, and thanked former Chairman Walker.
2. Said that Christmas trees should be put out the first week of the month as a bulk item.
3. Noted that Superintendent of Police Bryan DalPorto was Acting City Administrator. Chief DalPorto informed the Council Members that Deputy Police Superintendent Carlton Cain would be attending the FBI National Academy.
4. Said that the attachment for Agenda Item #6, relative to the reorganization of Departments affected by the City Employee Retirement Incentive Program, was amended to omit positions in the Human Resources Department, since the Civil Service Commission had not yet acted on the positions. Chairman Touma said that he was disappointed that this was not explained to the Council before it was placed on the Agenda.

Council Member Anderson said that he had received many complaints about truck traffic from Buffalo Avenue to 57<sup>th</sup> and 63<sup>rd</sup> Streets, and asked about placing signs and lights in the area. Chief DalPorto will provide more enforcement in that area for the residents.

Chairman Touma inquired about extending leaf pickup beyond November, and Mayor Dyster responded that leaves can be put out with Christmas trees for pickup.

Chairman Touma also inquired about permanent/temporary workers in the Public Works Department, and the Mayor responded that that was addressed in Agenda Item #7. A lengthy discussion followed on the SWEET Team employees and enforcement of the Refuse/Recycling Ordinance, and Council Member Walker asked for an explanation from the Administration before the next Council Meeting on the job descriptions, duties and length of employment for those working under the Refuse/Recycling Ordinance.

Council Member Choolokian questioned the Mayor on the use of Casino Funds to fund positions that were removed during the Budget process (Agenda Item #7), and said that the Mayor was reluctant to do this during the Budget process, but was now asking the Council to approve doing so. The Mayor responded that changes have been made to the list, and after doing some research on the use of 99-H funds, he was asking for Council approval, and would welcome working with the Council on this. Chairman Touma said that, in the future, he would like to vote on these matters individually, and not grouped together as one Agenda Item.

Corporation Counsel Craig Johnson distributed copies of amendments to Items and an Item to be added to the Agenda:

1. An amendment to Agenda Item #4, relative to a Change Order in the contract for the Hyde Park Ice Pavilion Locker Room Renovations, to increase the amount of the Change Order.

Council Member Choolokian moved to amend the Item.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

2. An Amendment to Agenda Item #6, relative to the reorganization of Departments affected by the City Employee Retirement Incentive Program, by removing the positions in the Human Resources Department from the attachment.

Council Member Walker moved to amend the Item.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

3. A communication to be added to the Agenda relative to a Memorandum of Understanding between the Division of Criminal Justice Services, the City of Niagara Falls, the Niagara County District Attorney and the Niagara County Sheriff for the development and operation of a Regional Crime Analysis Center.

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 #15.

Council Member Choolokian asked if there will be any cost to the City for the Crime Analysis Center, and Chief DalPorto responded that the City will provide office space at Police Headquarters, and other costs will be covered by the Division of Criminal Justice Services and the GIVE Grant.

This Session ended at 5:50 PM

Chairman Touma reconvened the Meeting at 6:08 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Walker asked those present to observe a Moment of Silence for former Governor Mario Cuomo and developer Frank Ciminelli.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and asked that no personal attacks be made by the speakers and the following spoke:

Ron Anderluh	Agenda Item #11
Gerald Skrlin	Agenda Item #12
Gerald Skrlin	Condition of property on Buffalo Ave.; Freedom of Speech issues
Robert Ventry	Raising taxes in 2015 Budget was bad idea; Against City building its own Animal Shelter; Leaf pickup should start in October and extend beyond November; bulk item pickup should be weekly

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 3721 HIGHLAND AVE., ASBESTOS ABATEMENT, APOLLO DISMANTLING SERVICES

Agenda Item #1

The City previously awarded the asbestos abatement contract for the 3721 Highland Avenue Fire Station to Apollo Dismantling Services, LLC. One of the elements of the contract was removal of asbestos containing plaster from clay/speed tile at the premises. In the course of performing the work, it became apparent that some of the asbestos containing material had penetrated the tile and could not be removed.

Change order number one provides for encapsulating and sealing all areas where the asbestos containing plaster cannot be removed. Stohl Environmental, the City asbestos monitor on the project, concurs in the change order. There is no cost adjustment for substituting the encapsulation of asbestos containing material for the originally contracted removal in this change order.

Will the Council vote to approve change order number 1 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: CITY HALL PARKING LOT IMPROVEMENTS, YARUSSI CONSTRUCTION INC.

Agenda Item #2

A contract for the above referenced project was awarded to Yarussi Construction, Inc. on July 23, 2014 in the amount of \$\$468,720.00.

Subsequent to the start of the project, it was revealed that the existing foundation layers of the westerly portion of the lot were not sufficient for re-use. However, the costs associated with the removal and replacement of substandard foundation material was more than offset by bid item cost underruns elsewhere in the project, allowing a \$0.00 change to the contract at this time.

Will the council vote to approve and authorize the Mayor to execute a contract 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

NY POWER AUTHORITY, PORTER ROAD PROPERTY, ACQUISITION

Agenda Item #3

As part of the Relicensing Settlement for the Niagara Power Project in 2005, the Power Authority agreed to transfer an approximately 48.645 acre parcel on Porter Road to the City. The parcel is shown in the attached drawing (on file in the City Clerk's Office).

As part of the process the Power Authority did some environmental testing, the results of which have been reviewed and found to be acceptable by the City's Department of Planning and Economic Development.

The Settlement Agreement and the attached deed (on file in the City Clerk's Office) require the City to indemnify the Power Authority with regard to any environmental issues related to the property.

The City's Department of Planning and Economic Development, based on the environmental testing, finds this to be an acceptable risk.

Will the Council approve acceptance of the property and authorize the Mayor to execute the attached deed (on file in the City Clerk's Office)?

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

Yeas 5

Nays 0

APPROVED

CONTRACT: HYDE PARK ICE PAVILION LOCKER ROOM, PHASE III (PLUMBING CONTRACT), MOLLENBERG BETZ, INC

Agenda Item #4

A contract for the above referenced project was awarded to Mollenberg Betz, Inc., 300 Scott Street, Buffalo, NY, on April 28, 2014 in an amount of \$108,000.00. The cost of additional work already approved in Change Order #1, by City Council is \$10,609.00 bringing the contract total to \$118,609.00.

At the completion of the project the City asked for quotes for additional HVAC and cooking equipment improvements to bring the facilities Kitchen up to code. This extra work involves specialty work with fire suppression systems which Mollenberg Betz is licensed to perform.

Quotes were sought from the two licensed contractors already working on site, Mollenberg Betz, Inc. at \$38,000.00 and John W. Danforth Company at \$51,819.00.

Therefore, it is the recommendation of the undersigned that **Change Order #2** in the amount of \$38,000.00 be approved. Sufficient funds presently exist in Code H0819.2008.0819.0449.599.

Will the council vote to so approve?

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

Yeas 5

Nays 0

APPROVED

CONTRACT: DRAINAGE STRUCTURE REPLACEMENT/REPAIR PROJECT, YARUSSI CONSTRUCTION, INC.

Agenda Item #5

A contract for the above referenced project was awarded to Yarussi Construction, Inc. on April 28, 2014 in the amount of \$341,412.00.

Subsequent to the start of the project, the addition of streets to the 2014 Resurfacing Program necessitated the addition of catch basin replacements and sewer manhole adjustments. The costs associated with due extra drainage structure replacements, adjustments and related payment restorations are \$55,800.00, bringing the final contract total to \$395,997.80. Funding is available from Casino Funds - Road Reconstruction portion and will be transferred to H0621.2006.0621.0300.000.

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

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

Yeas	5
Nays	0

APPROVED

#### RETIREMENT INCENTIVE PROGRAM, CITY EMPLOYEES

##### Agenda Item #6

The City of Niagara Falls developed a City Employee Retirement Program for employees who were eligible to retire on or before December 31, 2014, pursuant to criteria established by the City of Niagara Falls and the New York State Retirement System. The incentive amount is \$20,000 payable over a period of five years, with the first payment to be made during January 2015. Elected officials, fire and police officers, and department heads were excluded from this incentive program.

Accordingly, twenty-one employees meeting both New York State and City criteria took advantage of the program, retiring during the period of November 6 through December 31, 2014.

The attached (on file in the City Clerk's Office) is the proposed reorganization of affected departments. Where possible, positions have been eliminated or downgraded to alleviate savings that will be allocated towards fulfillment of incentive obligations while maintaining essential services.

Will the Council so approve?

Council Member Anderson moved to table the Ccommunication.

Yeas	4
Anderson, CHoolokian, Walker, Touma	
Nays	1
Grandinetti	

TABLED

#### BUDGET, 2015, POSITIONS REMOVED, FUNDING

##### Agenda Item #7

As a result of certain activity that took place during the 2015 Budget process, certain temporary positions and others were eliminated and may now be restored. Attached hereto (on file in the City Clerk's Office) is a detailed list of these positions to be restored, inclusive of fringe benefits. This totals \$531,309.00. Funding is available from Casino Revenues.

Will the Council so approve?

Council Member Walker moved to table the communication.

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

TABLED

#### MOU, 76<sup>th</sup> ST., PROPOSED ABANDONMENT

##### Agenda Item #8

The City has received a request from Benderson to abandon the unimproved portion of 76<sup>th</sup> Street adjacent to the shopping center, as shown on the attached drawing, so that material can be moved from the shopping center site to the property to be abandoned so that Benderson may develop another store in the shopping center.

After the relocation of the soil, Benderson will dedicate a new portion of 76<sup>th</sup> Street and relocate the Water Board's lines that are in the current right-of-way.

All of the above is memorialized in the proposed Memorandum of Understanding ("MOU") which is attached hereto.

The MOU is specifically subordinate to the Council abandoning the portion of 76<sup>th</sup> Street in accordance with provisions of Local Law and conditioned on the City Charter.

Earlier this year the Planning Board recommended against allowing the abandonment of the undeveloped portion of 76<sup>th</sup> Street. However, City staff believes that the proposals memorialized in the MOU will alleviate issues related to property fronting on Mooradian Drive and also will allow the development of another business in the City of Niagara Falls.

Will the Council approve the attached (on file in the City Clerk's Office) MOU and authorize the Mayor to execute same?

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

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

APPROVED

Council Member Choolokian said that this was denied by the Planning Board due to concerns about soil contamination.

Council Member Walker said assurances have been received from the DEC about safety concerns in going forward with this Project.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

Agenda Item #9

Please be advised that Mayor Paul A. Dyster, on December 17, 2014, duly approved the following:

Resolution 2014-87, relative to Amending Chapter 911 of the Codified Ordinances entitled "Solid Waste Refuse and Recycling"

THIS ITEM WAS RECEIVED AND FILED

Agenda Item #10

Please be advised that Mayor Paul A. Dyster, on December 23, 2014, duly approved the following:

Resolution 2014-90, relative to Amending Chapter 1107 of the Codified Ordinances entitled "Permits, Fees and Certificates."

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: PARKING RATES IN CITY LOTS AND RAMP, 2015-1

BY: COUNCIL MEMBER ANDREW TOUMA

Agenda Item #11

WHEREAS, the Administration and Council desire to modify the fee schedule for the city's parking lots and ramp,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that:

1. The daily parking fee for parking in city-owned parking lots and the parking ramp in the high tourist season (from the Saturday before Memorial Day to Labor Day) is increased from \$10 to \$15.
2. The daily parking fee for parking in city-owned parking lots and the parking ramp in the low season (from the Tuesday following Labor Day until the Friday preceding Memorial Day) is increased from \$5 to \$10, and

BE IT FURTHER RESOLVED, that these fee increases be effective Memorial Day weekend 2015 (May 23, 2015).

Yeas	5
Nays	0

ADOPTED

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, 2015-2  
BY: COUNCIL MEMBER CHARLES WALKER

Agenda Item #12

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 the 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, and

BE IT FURTHER RESOLVED, that this designation shall be in effect for the year 2015, but such designation shall not thereafter lapse until superseded.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: HISTORIC PRESERVATION COMMISSION, REAPPOINTMENTS, 2015-3  
BY: ALL COUNCIL MEMBERS

Agenda Item #13

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Historic Preservation Commission effective immediately, for a term expiring on the date that appears opposite their names:

REAPPOINTMENTS

Matthew A. Green 12/31/2018  
441 21<sup>st</sup> Street  
Niagara Falls, New York 14303

Anne Smith 12/31/2018  
1021 96<sup>th</sup> Street  
Niagara Falls, NY 14304

Christopher M. Stoianoff 12/31/2018  
2126 North Avenue  
Niagara Falls, NY 14305

Yeas 5  
Nays 0

ADOPTED

Chairman Touma thanked those who were being reappointed for their hard work on this Commission.

RESOLUTION: INVESTMENT POLICY FOR THE CITY OF NIAGARA FALLS, ADOPTION, 2015-4

By: Council Member Charles Walker

Agenda Item #14

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 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 (on file in the City Clerk's Office).

Yeas 5  
Nays 0

ADOPTED

MOU, REGIONAL CRIME ANALYSIS CENTER, DCJS, CITY OF NIAGARA FALLS,  
NIAGARA COUNTY DISTRICT ATTORNEY, NIAGARA COUNTY SHERIFF

Agenda Item #15

It is requested that the City be authorized to enter into a Memorandum of Understanding ("MOU") with the DCJS, the Niagara County District Attorney and the Niagara County Sheriff for the development and operation of a Regional Crime Analysis Center. With input and data from the parties of this MOU, the product will be a comprehensive picture of crime incidents through in-depth crime analysis, pattern identification, incident mapping and emerging crime trend recognition. It is proposed that this Regional Crime Analysis Center be located at NFPD Headquarters in space that is available for it. Subject to available funding, DCJS will provide office furnishings and technology, including data systems, software and hardware, and will also pay for improvements to the office space up to \$15,000. The office will be staffed by personnel from the District Attorney's Office and the Sheriff's Office. The City will provide one full time crime analyst and one full time field intelligence officer and one half time crime analyst. These positions are already in place and are funded by the DCJS with the GIVE grant.

Will the Council so approve and authorize the Mayor to execute a Memorandum of Understanding 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

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

Carol A. Antonucci  
City Clerk



January 20, 2015

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

---

The first session of the January 20, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:11 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, Acting City Administrator/Police Superintendent Bryan DalPorto, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Walker moved to approve the Minutes from the City Council Meeting of January 5, 2015.

Yeas	5
Nays	0

APPROVED

Mayor Dyster said that in the release of the Buffalo Bills Stadium study that there are 3 sites in Buffalo being considered, along with the existing Orchard Park site. Niagara Falls was considered, but with concerns about traffic and improvements that would be required, Niagara Falls was excluded from the short list.

Police Superintendent Bryan DalPorto distributed the 2014 Risk Assessment Report for the Police Department. The highlights were: calls for service increased and 7% ended in arrests, 44% decrease in complaints and use of force decreased. Chief DalPorto said that 156 officers are handling calls and that he is proud to present this report on behalf of the Department and there has been an overall 6% decrease in crime in 2014. He also stated that the Police Department won a National Award, and the Department will be going through Diversity Training. Council Member Walker asked who is going to train the rest of the Officers, the Chief responded that some of the Officers will be trained as Trainers.

Council Member Anderson stated that the Recycling/Refuse Program should be addressed, as all the Council Members have been getting a great number of calls from residents concerning various issues with this Program. A lengthy discussion about the Recycling/Refuse Program between the Mayor and the Council Members followed.

Corporation Counsel Craig Johnson distributed copies of items to be added to the Agenda, an item to be amended and an item to be removed from the Table and amended:

1. A communication to be added to the Agenda relative to encroachments at 744 - 10<sup>th</sup> St. for improvements made by the NF Housing Authority.

Council Member Grandinetti moved to add the Communication to the Agenda

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO THE AGENDA APPROVED

The Communication was added to the Agenda as #20.

2. A communication to be added to the Agenda relative to Amending Chapter 103 of the Codified Ordinances entitled "Administrative Ordinances".

Council Member Grandinetti moved to add the communication to the Agenda

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO THE AGENDA APPROVED

The Communication was added to the Agenda as #21.

3. A Resolution to be added to the Agenda relative to Honoring Mr. JB Aaron.

Council Member Grandinetti moved to add the Communication to the Agenda

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO THE AGENDA APPROVED

The Communication was added to the Agenda as #22.

4. An amendment to Agenda Item #17 to remove/add persons names for appointments to the Tourism Advisory Board.

Council Member Grandinetti moved to amend the Item.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

5. To remove from the Table an Agenda Item that was tabled at the January 5, 2015 Council Meeting relative to funding for a position that was removed during the Budget Process.

Council Member Grandinetti moved to remove the Item from the Table

Yeas	5
Nays	0

MOTION TO REMOVE FROM THE TABLE APPROVED

Council Member Grandinetti moved to amend the Item in regards to changing a Job Title in the SWEET Program.

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

MOTION TO AMEND APPROVED

Council Member Grandinetti stated that the new position is replacing an existing position.

Council Member Choolokian asked if this was a competitive position and per Ruby Pulliam, Director of Human Resources, this is a Civil Service position pending testing. Also that this should have been on the Agenda if it was something the Mayor wanted to submit. Corporation Counsel Johnson added that this is subject to Civil Service Approval.

This Session ended at 6:20 PM.

Chairman Touma reconvened the Meeting at 6:32 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:

Ron Anderluh	Agenda Item #19
Ken Hamilton	Agenda Item #18
Bob Conway	Agenda Item #21
Vince Anello	Agenda Items #13, #19
Gerald Skrlin	Agenda Item #18
Randy Ubriaco	Agenda Item #18
Joanne Gialloreto	Agenda Item #18
Henry Krawczyk	Agenda Items #19, #18
Robert Ventry	Agenda Item #18
Craig Avery	Agenda Item #18
Ron Anderluh	Missed parking revenues; proposal to not contribute to Concerts, working with Small Business Administration to work with Hard Rock for events
Ken Hamilton	Hard Rock New Years event; to Miss Grandinetti, it was a shame that she was overlooked for Chairperson; Hotel parking passes issue; eliminate Legal Library; garbage
David Bachowski	Severe flooding on Cayuga Island
Diane Tattersall	About time limit on speaking; wants times to change for meetings; Refuse/Recycling Ordinance; Western New York Revitalization Summit
Gerald Skrlin	About ethics, moral standards; filthy neighborhood where he lives; protection of Historic Buildings
Randy Ubriaco	Once served on Tourism Board; put cameras around bathrooms at Bike Park for safety issues
Mike Szymanski	Petition to Code Enforcement about clean up at 5659 John Ave, Code Enforcement didn't do anything
Joanne Gialloreto	Free speech; trash totes
Henry Krawczyk	Issued Police Report about neighbor's damages to his property, nothing being done
Craig Avery	Fire certain City employees

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF DECEMBER 2014

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF DECEMBER 2014

Agenda Item #2  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: OSC-21, SCHOOL DISTRICT, FUNDING

Agenda Item #3  
The 2015 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: NIAGARA COMMUNITY ACTION PROGRAM, INC., FUNDING

Agenda Item #4

The 2015 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 2015. 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0  
APPROVED

CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #5

The 2015 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 Anderson 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 #6

The 2015 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0  
APPROVED

CONTRACT: NIAGARA FALLS BLOCK CLUB COUNCIL, FUNDING

Agenda Item #7

The 2015 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 Anderson 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 #8

The 2015 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0

APPROVED

BUDGET, RESERVE FUNDING FOR EXCEEDING TAX CAP

Agenda Item #9

During the 2015 budget process culminating with the City Council's override votes on Mayoral vetoes, the final adopted budget exceeded the tax cap amount imposed by the General Municipal Law by \$280,485. This amount was calculated by the City Controller and confirmed by the office of the New York State Comptroller (on file in the City Clerk's Office). The City is now required to reserve this sum of money and factor it in to the 2016 budget process. Therefore, it is requested that the sum of \$280,485 be placed in reserve for this purpose.

Funding is available from Fund Balance.

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 Choolokian said this is one of the worst Budgets he has seen.

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #10

In the past, the City has served as a contractor for the Niagara County Office for the Aging by providing information and assistance services to persons 60 years old or older who meet Office for the Aging eligibility requirements. These services are performed at 1201 Hyde Park Boulevard, Niagara Falls, New York. The City is paid an amount not to exceed \$9,025.00 for these services. The term of the agreement is January 1, 2015 through December 31, 2015.

Will the Council so approve and authorize the Mayor to execute an agreement in form and content satisfactory 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: RAINBOW CENTER MALL, ENVIRONMENTAL INSPECTIONS, UNILAND DEVELOPMENT COMPANY

Agenda Item #11

During the City Council meeting held on November 24, 2014, the City Council designated Uniland Development Company as the preferred developer for the adaptive re-use of the former Rainbow Center Mall. As part of the diligence Uniland Development Company must perform, it is requesting access to the former Rainbow Center Mall premises for the purpose of conducting various environmental reviews and tests, along with any and all other due diligence initiatives required during the development of the project.

Access to the former Rainbow Center Mall premises is proposed to be permitted pursuant to terms and conditions contained in an Access Agreement approved by the Corporation Counsel.

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

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

Yeas 5  
Nays 0

APPROVED

CITY EMPLOYEES, RETIREMENT INCENTIVE PROGRAM

Agenda Item #12

The City of Niagara Falls developed a City Employee Retirement Program for employees who were eligible to retire on or before December 31, 2014, pursuant to criteria established by the City of Niagara Falls and the New York State Retirement System. The incentive amount is \$20,000 payable over a period of five years, with the first payment to be made during January 2015. Elected officials, fire and police officers, and department heads were excluded from this incentive program.

Accordingly, twenty-one employees meeting both New York State and City criteria took advantage of the program, retiring during the period of November 6 through December 31, 2014.

The attached is the proposed reorganization of affected departments. Where possible, positions have been eliminated or downgraded to alleviate savings that will be allocated towards fulfillment of incentive obligations while maintaining essential services.

Will the Council so approve?

Council Member Choolokian moved that the communication be removed from the Table.

Yeas 5  
Nays 0

APPROVED

CITY CONTROLLER: REORGANIZATION OF OFFICE

Agenda Item #12A

The City of Niagara Falls developed a City Employee Retirement Program for employees who were eligible to retire on or before December 31, 2014, pursuant to criteria established by the City of Niagara Falls and the New York State Retirement System. The incentive amount is \$20,000 per person, payable over a period of five years, with the first payment to be made during January of 2015. Elected officials, fire and police officers, and department heads were excluded from this incentive program.

Accordingly, 21 employees meeting both New York State and City criteria took advantage of the program, retiring during the period of November 6<sup>th</sup> through December 31, 2014. Attached (on file in the City Clerk's Office) is a proposed reorganization of the City Controller's Office which is made possible as a result of some of these retirements. Where possible, positions have been eliminated or downgraded to maximize savings that will be allocated towards fulfillment of incentive obligations while maintaining essential services.

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

#### FIRE DEPARTMENT, REORGANIZATION OF OFFICE

##### Agenda Item #12B

The City of Niagara Falls developed a City Employee Retirement Program for employees who were eligible to retire on or before December 31, 2014, pursuant to criteria established by the City of Niagara Falls and the New York State Retirement System. The incentive amount is \$20,000 per person, payable over a period of five years, with the first payment to be made during January of 2015. Elected officials, fire and police officers, and department heads were excluded from this incentive program.

Accordingly, 21 employees meeting both New York State and City criteria took advantage of the program, retiring during the period of November 6<sup>th</sup> through December 31, 2014. Attached (on file in the City Clerk's Office) is a proposed reorganization of the Niagara Falls Fire Department Office which is made possible as a result of some of these retirements. Where possible, positions have been eliminated or downgraded to maximize savings that will be allocated towards fulfillment of incentive obligations while maintaining essential services.

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

#### PUBLIC WORKS/PARKS, REORGANIZATION OF OFFICE

##### Agenda Item #12C

The City of Niagara Falls developed a City Employee Retirement Program for employees who were eligible to retire on or before December 31, 2014, pursuant to criteria established by the City of Niagara Falls and the New York State Retirement System. The incentive amount is \$20,000 per person, payable over a period of five years, with the first payment to be made during January of 2015. Elected officials, fire and police officers, and department heads were excluded from this incentive program.

Accordingly, 21 employees meeting both New York State and City criteria took advantage of the program, retiring during the period of November 6<sup>th</sup> through December 31, 2014. Attached (on file in the City Clerk's Office) is a proposed reorganization of the Department of Public Works/Parks Office which is made possible as a result of some of these retirements. Where possible, positions have been eliminated or downgraded to maximize savings that will be allocated towards fulfillment of incentive obligations while maintaining essential services.

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

Agenda Item #13

The operator of the Sheraton Hotel has allowed the City to occupy approximately 676 square feet in its hotel building on a rent-free basis for the operation of the Ranger Program conducted under the auspices of the NFPD and the Office of Community Development. The City Assessor advises that the approximate fair market rent for this space is \$750.00 per month. The operator of the Sheraton has requested that in consideration for it allowing the City to occupy this space on a rent-free basis, it be granted access to up to 18 parking passes for parking privileges at the City-owned lot at the corner of Third Street and Niagara Street. Such access to these parking passes for no cost will continue for so long as the operator of the Sheraton Hotel allows the City to conduct its Ranger Program at the Sheraton Hotel location on a rent-free basis. The Director of the Department of Public Works will coordinate this initiative.

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

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

Yeas 5  
Nays 0

APPROVED

2015 CITY BUDGET, PARKS/PUBLIC WORKS BUDGET, ADJUSTMENT

Agenda Item #14

The 2015 budget process is now complete. A review of the final budget reveals that a clerical error was made in the Department of Parks and Public Works budget as it pertains to the Community Beautification Division (Account Code A.8510.0000) in that an appropriation in the amount of \$28,430 was made for a Clean Neighborhood Aide position when in fact that appropriation should have been designated for a Clean Neighborhood Inspector position. Please see the attached page (on file in the City Clerk's Office) for this budget item.

It is therefore requested that the attached page be corrected to designate the appropriation of \$28,430 for the position of Clean Neighborhood Inspector and the appropriation of \$28,430 for the job title Clean Neighborhood Aide be deleted.

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: CIMINELLI, FRANK L., HONORING, 2015-5  
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, Frank L. Ciminelli, founder of several local construction and real estate development companies, passed away on December 26, 2014, and

WHEREAS, Mr. Ciminelli was perhaps best known in recent years for his leadership of Ciminelli Real Estate Corporation, and

WHEREAS, Mr. Ciminelli was responsible for the development of millions of square feet of commercial real estate across several states, including in the City of Niagara Falls, perhaps most notably the Niagara Falls Public Safety Office on Main Street, and

WHEREAS, Mr. Ciminelli's success in business can be attributed in large measure to his honesty, integrity, and commitment to quality work, and

WHEREAS, he was involved in many civic and charitable organizations, including Catholic Charities, Sisters Hospital Foundation, the University at Buffalo Foundation, the Bishop's Lay Advisory Council, St. Luke's Mission of Mercy, Boys' Town of Italy, The Erie Community College Foundation, Business Backs the Bills, the Leukemia and Lymphoma Society, the Catholic Charities Appeal, Kenmore Mercy Foundation, Trocaire College, Children's Hospital of Buffalo, Roswell Park Alliance, United Way of Buffalo and Erie County, Sisters of Mercy of the Buffalo Regional Community and many others, and

WHEREAS, the City Council of the City of Niagara Falls wishes to remember Mr. Ciminelli's contributions to our city and region,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby honors Mr. Frank L. Ciminelli for his contributions to the well-being of the people of Western New York, in both his business and philanthropic endeavors.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: CUOMO, MARIO, GOVERNOR, HONORING, 2015-6  
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, Mario M. Cuomo, who served as Governor of the State of New York from 1983 to 1994, passed away on January 1, 2015, and

WHEREAS, Mr. Cuomo also served as the Secretary of State of New York from 1975 to 1978, and as Lieutenant Governor from 1979-1982, and

WHEREAS, Mr. Cuomo's resume of legislative accomplishments includes comprehensive ethics reform for state lawmakers, the Rebuild NY Transportation Bond Act, increases in assistance to local law enforcement agencies in order to reduce crime, the enactment of the nation's first seat belt laws, the development of family support programs for the disabled, initiatives that succeeded in reducing the costs of prescription medications, the appointment of the first two female judges on the New York Court of Appeals, as well as the appointment of the first African-American and Hispanic Judges, and

WHEREAS, Mr. Cuomo's commitment to public service is captured in part by his words, "You find your own good in the good of the whole. You find your own individual fulfillment in the success of the community...", and

WHEREAS, the City Council of the City of Niagara Falls wishes to remember Mr. Cuomo and his legacy of public service,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby honors Mario M. Cuomo for his contributions to the State of New York and encourages the people of the City of Niagara Falls to honor his memory through their own commitment to public service and to the good of their community.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENTS/REAPPOINTMENTS, 2015-7  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #17

BE IT RESOLVED, that the following individuals are hereby reappointed or appointed to the City of Niagara Falls Tourism Advisory Board effective immediately, for a term expiring on the date that appears opposite their names:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
Willie Price 91 Deuro Drive Niagara Falls, NY 14304	12/31/2015
Laurie Davis 1316 24 <sup>th</sup> Street Niagara Falls, NY 14305	12/31/2015
Lisa Vitello 4859 Terrance Drive Niagara Falls, NY 14305	12/31/2015
Mark Mistriner 2945 North Avenue Niagara Falls, NY 14301	12/31/2015
Gay Molnar 2114 River Road Niagara Falls, NY 14304	12/31/2015
Mickey Dumas 1023 South Avenue Niagara Falls, NY 14305	12/31/2015
\ Shawn Weber 250 Rainbow Boulevard Niagara Falls, NY 14303	12/31/2015
Perry Jost 327 Buffalo Avenue Niagara Falls, NY 14303	12/31/2015
Dan Mehzir 2208 Weston Avenue Niagara Falls, NY 14305	12/31/2015
Ernest Lucantonio 2450 Forest Avenue Niagara Falls, NY 14301	12/31/2015
Adrienne Bedgood 2256 South Avenue Niagara Falls, NY 14305	12/31/2015
Kim Congi 8416 Carol Court Niagara Falls, NY 14304	12/31/2015
Ronald Droegmyer 300 3 <sup>rd</sup> Street Niagara Falls, NY 14303	12/31/2015

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Angela Berti Prospect Street & Old Falls Street Niagara Falls, NY 14303	12/31/2015
Jason Murgia 101 Old Falls Street Niagara Falls, NY 14303	12/31/2015
Patrick Proctor 454 Main Street Niagara Falls, NY 14301	12/31/2015
Denise Easterling 1306 Willow Ave. Niagara Falls, NY 14305	12/31/2015
Yeas	5
Nays	0
	ADOPTED

RESOLUTION: CITY COUNCIL, PROCEDURES  
 BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #18

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that pursuant to Section 3.9.d of the City Charter, paragraph 3 of Item V of the Format for the Agenda, as adopted on November 27, 1989 and as amended on July 23, 1990, January 21, 1992 and October 18, 1993, is amended to read as follows:

3. The Chairman will enable members of the public to speak on any topic of concern to the welfare of the City for a time not to exceed [five (5)] three (3) minutes for each person; he may limit the number of speakers on a topic or agenda item or the overall public speaking time if the same will unduly delay the commencement of the agenda. All remarks shall be addressed to the Council as a body and not to any member thereof. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste and should refrain from making comments regarding individuals, including elected officials and City employees, unless such comments pertain to such individual's duties within City government. Although they may, nothing herein shall require the Mayor or the Council to answer questions or engage in debate at any City Council meeting.

Additions are underlined. Deletions are in [brackets].

Council Member Walker moved to Table the Resolution	
Yeas	3
Anderson, Grandinetti, Walker	
Nays	2
Choolokian, Chairman Touma	

TABLED

Council Member Choolokian stated that 3 or 5 minutes doesn't matter. Council Member Grandinetti said she believes Chairman Touma's intention is honorable to create a more efficient environment and personal attacks are not warranted.

Chairman Touma said changing time is consistent with County and other municipalities. This is not the Forum to make remarks about individuals.

RESOLUTION: FINANCIAL ADVISORY PANEL, CREATION, 2015-8  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #19

WHEREAS, the recent budget process has demonstrated that the City of Niagara Falls is facing significant financial stress in the year 2015 and beyond; and

WHEREAS, if left unaddressed, these financial difficulties may negatively impact City taxpayers through either higher taxes and/or reduction of necessary services; and

WHEREAS, to confront these issues in a meaningful way, it is necessary for the Niagara Falls City Council to have a thorough understanding of the nature of these economic difficulties, as well as access to proven and innovative solutions to the same; and

WHEREAS, to facilitate this, the City Council has determined that it would be prudent to solicit the advice and support of a panel of financial experts from outside City government to provide it with assistance as to these matters.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 3.6(a) of the City Charter, the City Council of the City of Niagara Falls, New York does hereby create a citizen Financial Advisory Panel to complement the effectiveness of this Council by providing it with recommendations on the City's fiscal policy, long-term financial commitments, capital improvements, budget items, management and delivery of services; additionally, the Financial Advisory Panel may also undertake special projects as directed by this Council; and

BE IT FURTHER RESOLVED, that the Financial Advisory Panel shall consist of no more than seven (7) members and that all members of the Financial Advisory Panel will be selected by and serve at the pleasure of the City Council, for a period ending no later than December 31, 2015 and will not be compensated for their activities on the Panel; and

BE IT FURTHER RESOLVED, that the Financial Advisory Panel will be responsible for establishing operating policies and/or by-laws in furtherance of its duties and shall work closely with the City Controller and her staff as well as all other department heads for the purpose of gathering the information necessary for its analysis and deliberations; and

BE IT FURTHER RESOLVED, that the Financial Advisory Panel will provide advice and recommendations only and will be required to submit the same to the City Council as requested by the City Council. The Panel will have no formal decision-making role, and will have no access to confidential supervisory or other confidential information, and will not have access to or discuss any non-public information regarding specific City financial matters; and

BE IT FURTHER RESOLVED, that all meetings of the Panel will be open to members of the public.

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

ADOPTED

Council Member Choolokian said that the Administration and Council are not on the same page, we have got to stop spending money.

Council Member Grandinetti said that she prefers that we go through the State Board.

Council Member Walker said this is something worth trying and we need another set of eyes.

Chairman Touma said there are a lot of residents who can offer their expertise and who want to get involved.

CITY PROPERTY: ENCROACHMENT, 744 10<sup>TH</sup> ST.

Agenda Item #20

The Niagara Falls Housing Authority is proposing certain improvements to its façade and also construct four 3' by 6' planters which will encroach into the City's right-of-way. The Planning Board has reviewed this matter and is recommending that the City Council approve this encroachment. Attached hereto is a copy of the Planning Board's recommendation. It is requested that the six conditions recommended by the Planning Board be incorporated into any City Council approval.

Will the Council so approve this request with the six Planning Board recommendations contained in its recommendation as part of the City Council's approval?

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

Yeas 5  
Nays 0  
APPROVED

RESOLUTION: ADMINISTRATIVE ORDINANCES, AMENDING, 2015-9  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #21

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 103 of the Codified Ordinances entitled "Administrative Ordinances" is hereby amended by repealing Section 103.02 entitled "Law Library; Custodian; Penalty" and renumbering subsequent sections to read as follows:

[103.02 LAW LIBRARY; CUSTODIAN; PENALTY.

The Corporation Counsel shall be the custodian of the law library of the City and shall have charge of the same under the direction of the City Manager, who shall prescribe the rules for regulating the use of books by the public in such library, where not herein specifically provided, and who may, if he deems advisable, prohibit the taking of books from such library. When permitted, anyone taking books from the library shall register his name and address, title of books and date of taking with the person in charge of the Corporation Counsel's Office and shall return such book to the library before 5:00 p.m. of the day on which it was taken.

Any person violating the provisions of this section shall, in addition to being liable under the penalty prescribed for violation of the ordinances of the City, be liable to a penalty of ten dollars (\$10.00) to be recovered in a civil action]

[103.03] 103.02 LOST OR STOLEN PROPERTY.

• • •

[103.05] 103.03 PREPARATION OF PAYROLLS.

• • •

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: AARON, JB, HONORING, 2015-10  
BY: ALL COUNCIL MEMBERS

Agenda Item #22

WHEREAS, singer-songwriter and country music artist JB Aaron was born the youngest of six siblings in Niagara Falls, NY, and

WHEREAS, JB served his community as a firefighter and medical technician in the Town of Niagara with the Active Hose Fire Department for fifteen years, and

WHEREAS, JB has performed at the Niagara Falls, New York Festival of Lights, has performed on the Niagara Falls Firefighters Toy Fund Telethon for approximately 10 years, and routinely performs at nursing homes, cancer treatment centers, and hospitals, as well as at charity events and fundraisers for a number of organizations, including the American Diabetes Association and the American Cancer Society, and

WHEREAS, JB has also shared the stage with a number of national acts, including Miranda Lambert, Mark Wills, Low Cash Cowboys, Gloriana, Loretta Lynn, Big N Rich, Cowboy Troy, Frankie Ballard, Brian McComas, Wayde Hayes, Jeff Carson and many others, and

WHEREAS, JB entered the 33rd Annual Country Showdown, a nationwide competition, and won the local round, later winning the New York State title, and then the North East Regional title, and

WHEREAS, JB Aaron is now one of only five acts in the nation who will be performing at the original home of the Grand Ole Opry, the Ryman Auditorium, on Jan. 21st, 2015 for a chance at winning the title of "Best New Country Act" in America,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, does hereby congratulate JB Aaron on his success to date, and wishes him well as he competes in the Annual Country Showdown finals, and

BE IT FURTHER RESOLVED, that the City Council of the City of Niagara Falls, New York encourages JB to continue to make his city and community proud through his commitment to music and to using his talents to improve the lives of others.

Yeas	5
Nays	0

ADOPTED

BUDGET, FUNDING FOR POSITIONS REMOVED

Agenda Item #23

As a result of certain activity that took place during the 2015 Budget process, certain temporary positions and others were eliminated and may now be restored. Attached hereto (on file in the City Clerk's Office) is a detailed list of these positions to be restored, inclusive of fringe benefits. This totals \$531,309.00. 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	4
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Anderson, Grandinetti, Walker, Chairman Touma

Nays	1
------	---

Choolokian

APPROVED

Council Member Choolokian said that this was a bad Budget this year and we didn't have to raise taxes and have layoffs.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:04 P.M.

Carol A. Antonucci  
City Clerk



FEBRUARY 2, 2015

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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The first session of the February 2, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:05 P.M. in the Council Chambers.

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

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.

City Controller Maria Brown gave a Presentation on Casino Funds received to date and the Spending Plan for the disbursement of the Funds. Council Member Walker asked Mayor Paul Dyster how the spending of the Casino Funds reflects on the economy of the City, and that more still needs to be done with the Funds to help the economic development climate in the City. The Mayor responded that he is constantly working on doing just that. Council Member Choolokian said, with the recent crisis in developing the 2015 Budget, the City needs to take a step back in spending the Casino Funds, and invest in Projects with good paying jobs that will increase the tax base in the City. Chairman Touma thanked Mrs. Brown for the information she provided.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #9, relative to a Public Hearing, and a Resolution to be added to the Agenda.

1. An amendment to Agenda Item #9, relative to a Public Hearing on the abandonment of a portion of 76<sup>th</sup> Street.

Council Member Choolokian moved to amend the communication by changing the date of the Public Hearing to March 2.

Yeas	4
Nays	0

MOTION TO AMEND APPROVED

2. A Resolution to be added to the Agenda relative to an appointment to the Planning Board.

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

Yeas	4
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #11.

Council Member Choolokian asked about the benefit to the City for a Shared Services Agreement with the Town of Somerset for assessment services (Agenda Item #4), and if this takes time away from the City Assessor performing his duties for the City. Mrs. Brown spoke on the guidelines regarding the use of a City vehicle and gas by the Assessor, and City Assessor James Bird added that this Agreement is on year to year basis, and he will be working for the Town of Somerset in the evenings and on Saturdays, so this will not impact his responsibilities to the City.

Council Member Walker asked if there is a list of who receives the NFC Grants (Agenda Item #3). Mayor Dyster replied that the City gives the sum of money to the NFC, and the NFC decides who will receive the Grants and the amount to be given. A lengthy discussion followed.

Chairman Touma suggested looking into a position of Fleet Manager for the City to research the cost effectiveness of leasing vehicles rather than purchasing (Agenda Item 5), and he noted that the bid was awarded to a company from Missouri and not a local vendor. Mrs. Brown said that the interest rate to purchase vehicles was very high, and a lengthy discussion followed. City Administrator Donna Owens noted that hiring a Fleet Manager could be considered for the 2016 Budget, and each Department that used City vehicles was already doing their own research on the best way to acquire new vehicles.

This Session ended at 6:15 PM.

Chairman Touma reconvened the Meeting at 6:30 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 Items #2, #3, #10A
Henry Krawczyk	Agenda Items #3, #9, #10, #10A
Ken Hamilton	Agenda Items #1, #9, #10
Robert Ventry	Agenda Items #1, #3, #10
Ron Anderluh	Parking revenues
Henry Krawczyk	Issues with Seneca Nation regarding Convention Center/Casino
Ken Hamilton	Issue with Council Meeting times & speaker limits; Candidate campaign filing issues
Ron Cunningham	Approves of NFHA exemption from garbage fees; need more beautification in City for tourists; parking fees; Council has the right to choose Chairman; Public should stay out of candidates campaign filing issues
Robert Ventry	Council should hold Public Hearing before accepting Codified Charter; excessive amount of bulk items in City for pickup; grass cutting Contract should be awarded in the beginning of the season

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BUFFALO AVE. RECONSTRUCTION, ENGINEERING SERVICES CONTRACT, C & S ENGINEERS, INC.

Agenda Item #1

The City Council previously approved resolutions and appropriated funding, which is federally reimbursable, for the above referenced project that was awarded to C & S Engineers, Inc. on July 23, 2007.

Before completing the design for this project, the construction funding to be received from the NYSDOT was reduced. This funding reduction necessitated a change in design from a complete reconstruction to "preservation" or modified resurfacing project. This change order is needed to fund additional consultant design services related to this change in the project's scope.

However, existing funds allocated for the original design work are still available which will allow this additional work to be added to the contract without a change to the contract total (\$0.00) at this time. Funding is available in code H0634.2006.0634.0449.599.

Will the Council vote to approve and authorize the Mayor to execute a change order to the existing design 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
Nays	0

APPROVED

CONTRACT: ENGINEERING SERVICES, CLARK PATTERSON LEE

Agenda Item #2

At the Council's January 21, 2014 meeting, it approved an agreement with Clark Patterson Lee to provide as needed engineering services in an amount not to exceed \$94,000 for one year and allowed for the agreement to be extended for an additional one year. (A copy of this item is attached) (on file in the City Clerk's Office).

A copy of a letter dated January 19, 2015 from Clark Patterson Lee is attached which outlines the services to be provided. The agreement will be in an amount not to exceed \$94,000 and it is recommended that the Council appropriate this sum from casino revenue and authorize the Mayor to execute an extension agreement in a form acceptable to the Corporation Counsel.

Will the Council so approve?

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

Yeas	3
Grandinetti, Walker, Chairman Touma	
Nays	1
Choolokian	

APPROVED

Council Member Choolokian said that the Engineer's salary Has been increased but with this being an election year, he suggested the City look into a Shared Service Agreement with another municipality until the end of the year.

Chairman Touma said that since the City doesn't have a Professional engineer on staff, a Consulting Firm can provide this service.

NFC DEVELOPMENT CORPORATION, BUSINESS GRANTS/LOANS

Agenda Item #3

It is requested that the Council appropriate \$820,000 of casino funds (Tribal Fund) to the NFC Development Corporation for the funding of grants and loans. This amount has been previously reserved in the Economic Development portion of the City casino funds.

Will the Council so approve?

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

Yeas	1
Grandinetti	
Nays	3
Choolokian, Walker, Chairman Touma	

DEFEATED

Council Member Choolokian said that after the Budget crisis last year, the City needs to step back and look carefully at spending.

Chairman Touma said the Council has questions on who is receiving grants/loans, so he is voting No at this time.

CONTRACT: ASSESSOR/TOWN OF SOMERSET, SHARED SERVICES

Agenda Item #4

Attached (on file in the City Clerk's Office) is a proposed shared services agreement with the Town of Somerset which provides for the City Assessor to also act as the Assessor for the Town of Somerset.

The agreement provides that Somerset will cover the costs related to the work and pay the sum of \$15,000 annually to the City of Niagara Falls. The Assessor will devote 16 hours per month to Somerset.

Of the \$15,000, the City will retain \$5,000 and the Assessor will be paid \$10,000.

Will the Council so approve and authorize the Mayor to execute an agreement 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  
Nays 0

APPROVED

CONTRACT: VEHICLE LEASES, ENTERPRISE FLEET MANAGEMENT

Agenda Item #5

We respectfully request the Council to authorize the Mayor to execute a lease agreement with Enterprise Fleet Management, 600 Corporate Park Drive, St. Louis, MO 63105 satisfactory to the Corporation Counsel as follows:

	Price Per Year	Total Price for 36 Month Term
Three (3) 36 Month Leases for 2015 Jeep Patriots for Department of Engineering Department	\$3,722.13/vehicle (\$11,166.39 total)	\$33,499.17
One (1) 36 Month Lease for a 2015 Jeep Patriot for Department of Public Works - Clean Neighborhood	\$3,722.13	\$11,166.39
Three (3) 36 Month Leases for 2015 Ford Fusions for Department of Community Development	\$3,645.09/vehicle (\$10,935.27 total)	\$32,805.81

Quotes were solicited and the City received two (2) responses. In addition to Enterprise Fleet Management a quote was received from Steve Baldo Ford; 2015 Ford Escape "SE" (\$21,065.83/36 month term) and Ford Fusion "SE" (\$14,009.68/36 month term.)

Funds are available in the Engineering Department code A1440.0000.0440.003, Department of Public Works Clean Neighborhood code A8510.0000.0440.003 and Department of Community Development code CD1.8686.0001.0440.003.

Will the Council so approve?

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

Yeas 3  
Choolokian, Grandinetti, Walker  
Nays 1  
Chairman Touma

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #6

Please be advised that Mayor Paul A. Dyster, on January 26, 2015, duly approved the following:

Resolution 2015-9, relative to amending Chapter 103 of the Codified Ordinances entitled "Administrative Ordinances".

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: LANGER, TOM, LYNCH, MICHAEL P., MURPHY, JOHN, RENDINA, DAVID

Agenda Item #7

Date Claim Filed:	November 13, 2014 - November 18, 2014
Date Action Commenced:	N/A
Date of Occurrence:	October 23, 2014
Location:	911 Robbins Drive, Niagara Falls, New York
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	John Rosino
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claims.
Amount to be Paid:	See attached Schedule A. (on file in the City Clerk's Office)
Make Check Payable to:	See attached Schedule A. (on file in the City Clerk's Office)
Conditions:	General Release to City, approved by Corporation Counsel.

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

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

Yeas	4
Nays	0

APPROVED

IN REM AUCTION BIDS, APPROVAL

Agenda Item #8

Attached (on file in the City Clerk's Office) is the list of bids from the December 3, 2014 auction.

With respect to Schedule A properties Ward 9, Pro 3005, Ward 12, Pro 8056, Ward 13, Pro 3380 and Ward 13, Pro 3381, we recommend approval of the bids subject to payment of any delinquent taxes on other properties within 30 days. If the taxes are not paid by that time the bids are rejected and deposits and auctioneer fees forfeited pursuant to the terms of sale.

With the exception of the above, we recommend that the bids for Schedule A properties be approved. The bids for Schedule B properties do not require Council approval and are submitted for your information.

Will the Council so approve and authorize the Mayor to execute deeds to the successful bidders in accordance with the Terms of Sale?

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

Yeas	4
Nays	0

APPROVED

RESOLUTION; 76<sup>TH</sup> STREET, ABANDONMENT, PUBLIC HEARING 2015-11  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #9

WHEREAS, the adjoining property owner has requested the abandonment of a portion of 76<sup>th</sup> Street, north of Niagara Falls Boulevard; and

WHEREAS, the Planning Board of the City of Niagara Falls has recommended against the granting of this abandonment; and

WHEREAS, this Council declares its intention to abandon said portion of 76<sup>th</sup> Street.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, that a public hearing be held relative to the abandonment of the aforementioned street portion, said public hearing to be held at a meeting of the Council to be held at the Council Chambers in City Hall on March 2, 2015 at 6:00 p.m. standard time and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said street portion in the official newspaper once a week for two (2) successive weeks preceding March 2, 2015.

Yeas	3
Grandinetti, Walker, Chairman Touma	
Nays	1
Choolokian	

ADOPTED

Council Member Choolokian said that the Planning Board has noted No on this, so he is voting No.

RESOLUTION: CITY COUNCIL, PROCEDURES  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #10

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that pursuant to Section 3.9.d of the City Charter, paragraph 3 of Item V of the Format for the Agenda, as adopted on November 27, 1989 and as amended on July 23, 1990, January 21, 1992 and October 18, 1993, is amended to read as follows:

3. The Chairman will enable members of the public to speak on any topic of concern to the welfare of the City for a time not to exceed [five (5)] three (3) minutes for each person; he may limit the number of speakers on a topic or agenda item or the overall public speaking time if the same will unduly delay the commencement of the agenda. All remarks shall be addressed to the Council as a body and not to any member thereof. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste and should refrain from making comments regarding individuals, including elected officials and City employees, unless such comments pertain to such individual's duties within City government. Although they may, nothing herein shall require the Mayor or the Council to answer questions or engage in debate at any City Council meeting.

Additions are underlined. Deletions are in [brackets].

Council Member Choolokian moved that the communication be Removed from the Table

Yeas	4
Nays	0

MOTION TO REMOVE FROM TABLE APPROVED

RESOLUTION: CITY COUNCIL, PROCEDURES  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #10A

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that pursuant to Section 3.9.d of the City Charter, paragraph 3 of Item V of the Format for the Agenda, as adopted on November 27, 1989 and as amended on July 23, 1990, January 21, 1992 and October 18, 1993, is amended to read as follows:

3. The [Chairman] Chairperson will enable members of the public to speak on any topic of concern to the welfare of the City for a time not to exceed [five (5)] four (4) minutes for each person; he may limit the number of speakers on a topic or agenda item or the overall public speaking time if the same will unduly delay the commencement of the agenda. All remarks should be addressed to the Council as a body and not to any member thereof. Speakers should refrain from making comments regarding individuals, including elected officials and City employees, unless such comments pertain to such individual's duties within City government.

Additionally, all members of the public and all public officials shall be allowed to take audio and/or visual recordings (including photographs) of the public portions of City Council meetings. No recording is permitted during executive sessions. Any such recordings must be done in a matter which does not interfere with the meeting.

If the Chairperson determines that any such recording is being done in an intrusive manner, taking into consideration, among other factors, the frequency and brightness of any lights, distance from the deliberations of the City Council, size of the equipment and the ability of the public to view and participate in the meeting, the Chairperson may request an accommodation to avoid the interference, and if not complied with, may ask the individual(s) to leave the Council Chambers.

Additions are underlined. Deletions are in [brackets].  
          Yeas 2  
          Grandinetti, Chairman Touma  
          Nays 2  
          Choolokian, Walker

DEFEATED

Council Member Choolokian said that as an Elected Official, he is willing to listen to his constituents.  
Chairman Touma said that he had received comments from many residents who said they do not attend Council Meetings because the Meetings are too long and the issue is not the amount of time for the Speakers but personal attacks by the Speakers.

RESOLUTION: PLANNING BOARD, APPOINTMENT, 2015-12  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #11

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Planning Board effective immediately, for a term ending on the date that appears opposite his name:

<u>APPOINTMENT</u>	<u>TERM ENDS:</u>	
C. Earl Smeal 8494 West Rivershore Drive Niagara Falls, New York 14304	12/31/2017	
Yeas		4
Nays		0
		APPROVED

There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 7:13 P.M.

Carol A. Antonucci  
City Clerk



February 17, 2015

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The first session of the February 17, 2015 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 5:03 P.M. in the Council Chambers.

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

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 Meetings of January 20 and February 2, 2015.

Yeas

5

Nays

0

APPROVED

LaSalle Preparatory School National Junior Honor Society Students read essays they had written on "What Freedom Means to Me". Council Chairman Andrew Touma read a Council Resolution honoring the students (Agenda Item #13), and the Council Members presented commemorative City pins to the students. Chairman Touma also read a Resolution honoring Jaemon Turner, Avion Harris and Jalen Bradberry, who were chosen to represent Western New York at the Melo 11 Pearl Classic 195 Basketball Tournament (Agenda Item #17), and the Council Members presented copies of the Resolution to the honorees.

Senior Project Designer Mike DeSantis spoke on the Ice Pavilion Project. He gave a brief history on the Project, and said that, to date, \$6.1 million dollars has been spent for the Project, making the Project approximately 60% complete. The additional Items on the Agenda (Agenda Items # 5 - 10) will bring the Project to 90% completion, with work on the outside lighting and parking lot left to be done. These Agenda Items are for work on both Rinks, and, once the work is completed, will allow for year round use of the Rinks. Gene Carella, the Lessee for the Ice Pavilion, gave a report on the economic impact on the City for use of the Ice Pavilion, and City Controller Maria Brown gave information on the Bond Resolution (Agenda Item #16) for payment of the Agenda Items relating to the Ice Pavilion.

City Administrator Donna Owens gave an update on the Refuse and Recycling Program. She said that several calls had been received from residents for additional totes; requested applications for Porter Service had been sent out and 13 had been returned; and the recycling participation rate is now at 11%. Council Member Walker asked about temporary workers on this Program, and City Administrator Owens replied that four were still needed for education and enforcement. A lengthy discussion followed.

City Administrator Owens said that the Mayor would give his State of the City Address on February 18 at 6 PM at the Conference Center.

Mayor Paul Dyster said that he had attended and been a guest Speaker at the Ceremony in Niagara-on-the-Lake, Ontario, commemorating the BiCentennial of the signing of the Treaty of Ghent, which ended the War of 1812. The Mayor's Speech at the Ceremony, and a letter from President Barack Obama, are as follows:



Paul A. Dyster  
Mayor

# City of Niagara Falls, New York

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

City Hall  
745 Main Street

Website: [www.niagarafallsusa.org](http://www.niagarafallsusa.org)  
e-mail: [paul.dyster@niagarafallsny.gov](mailto:paul.dyster@niagarafallsny.gov)

Phone: (716) 266-4310  
Fax: (716) 266-4349

Greetings, everyone. It is with a combined sense of great pride and great humility that I join with you today in commemorating the historic events of two centuries ago. As we have walked together from battlefield to battlefield down our shared trail of tears these last few years, jointly remembering the heroism and glory, but just as often the pain and suffering of that long-ago war, we have awaited in common anticipation the opportunity at long last not merely to commemorate a great battle together, but to celebrate a great peace. That day is finally upon us.

Many dedicated people have labored these last several years to ensure that neither the sacrifices of war, nor the blessings of the ensuing peace, will ever be taken for granted by future generations. I know how great a relief it is that we are finally at the end of our road. I can only imagine how it felt for the original participants, but I assume that from Royals and Presidents, to privates and militiamen, to common everyday people simply tired of the ravages of war, it must have been a day of great joy. As we stood at Chippawa or Lundy's Lane, did some of us think we could hear, in the distance, in the breeze, above the sounds of the re-enactors muskets and cannons, our ancestors' faintly echoing cries of pain and sorrow? So today, I hope we can all hear their resounding cries of joy, and sighs of relief. Today the war is over. God be praised.

Much has changed in the two hundred years since the signing of the Treaty of Ghent, but one thing has not. We who celebrate here today—Britains, Canadians and Americans alike—are trunk and branches of the same tree, grown from the same roots. Just as a mighty oak tree grows even stronger with age, so our common bonds of politics, culture, commerce and friendship have grown ever tighter through the years, so that today there is no stronger bond in the family of nations than that which binds us, forever together.

It is now my great honor to read a message from the President of the United State of America.

THE WHITE HOUSE

WASHINGTON

I am pleased to join in commemorating the 200th anniversary of the Treaty of Ghent.

A few short decades after our Founders declared independence, America again fought to preserve our young Republic in the War of 1812. The fate of our Nation hung in the balance, and daring patriots battled for the land they loved. With the ratification of the Treaty of Ghent in February of 1815, Great Britain and the United States came together to end the war and establish a strong foundation for cooperation in the years to come.

In marking this anniversary, we reaffirm the bonds between the United States, the United Kingdom, and Canada, and we rededicate ourselves to forging a world that reflects our commitments to lasting peace, security, and prosperity. These values have united our peoples for two centuries, and as we work together to confront global challenges, they will sustain our partnership and friendship.

As we observe this bicentennial, let us once again devote ourselves to advancing liberty and reaching for the promise of a brighter, more peaceful future for all.

A handwritten signature in black ink, appearing to be Barack Obama's signature, consisting of a large 'B' and 'O' with a horizontal line extending to the right.

Corporation Counsel Craig Johnson distributed copies of a Resolution to be added to the Agenda relative to honoring Jaemon Turner, Avion Harris and Jalen Bradberry.

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

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #17.

Chairman Touma spoke on Agenda Item #15, a Resolution relative to a change in the Meeting times for the Council. He said he was trying to be responsive to his constituents by moving the times back an hour, and suggested trying the new times for six months to see if citizen attendance increased at the Meetings. Council Member Choolokian added that the Meeting times have been moved up for the safety of residents due to outside darkness occurring earlier.

This Session ended at 6:32 PM

Chairman Touma reconvened the Meeting at 6:50 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.

Council Member Grandinetti welcomed the Niagara Falls High School students who were present for the Meeting.

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

Candice Corsaro	Agenda Items #12, #16
Ron Anderluh	Parking Meters-glad that bids are out; More than 40 meters needed in the Downtown area; recommended that meters Be in place by Memorial Day
James Woomer	Issues with frozen water lines in his Home
Robert Ventry	Council Meeting time change
Joelle Lewis	Fix maintenance issues starting In House
Chris Webster	Issue with registering to vote; junk cars & snow buildup on sidewalks in area of 66 <sup>th</sup> & 67 <sup>th</sup> Sts.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

Agenda Item #1  
CLAIMS FOR THE MONTH OF JANUARY 2015  
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2  
CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2015  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SIDEWALK REPLACEMENT PROJECT, VENTRY CONCRETE CONTRACTING

Agenda Item #3

A contract for the above referenced project was awarded to Ventry Concrete Contracting on March 31, 2014 in the amount of \$438,950.00.

After the start of the project, it was determined by field conditions that this year's sidewalk replacement program contained a substantial increase in sidewalk ramps and affected driveway aprons, while simultaneously minimizing the amount of curb work typically undertaken. The amount of overrun on the six (6") inch concrete installations was more than offset by underruns in granite and concrete curbing, allowing more sidewalk to be replaced for no increase in the contract total.

Will the Council vote to so 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

NIAGARA COUNTY OFFICE FOR THE AGING, USE OF LASALLE SENIOR FACILITY, WAIVING FEES

Agenda Item #4

Attached hereto (on file in the City Clerk's Office) to a copy of a communication to the City Council dated August 27, 2013 regarding the above matter, which was unanimously approved by the City Council during its meeting on September 3, 2013.

The NCOFA operated under budget constraints during calendar years 2013 and 2014 and it is anticipated that these constraints will continue for the foreseeable future. Based upon information provided to her, the City's Senior Citizens Program Coordinator believes that the NCOFA will relocate to a location outside of the City if fees are charged for the program to operate out of the LaSalle Facility. Resident senior citizens benefit greatly from the program being offered by NCOFA at the LaSalle Facility and would be disadvantaged if the program were to cease its operations at the LaSalle Facility. Attached hereto is a copy of a communication to the City Council from the City's Senior Service Program Coordinator in this regard which emphasizes the importance of the program offered by the NCOFA at the LaSalle Facility, hence benefiting the City.

Based upon all this information, it is requested that the City Council waive any fees which may be due from the NCOFA for occupying the LaSalle Facility for years 2014 and for future foreseeable years. The Senior Service Program Coordinator will monitor this on a regular basis and advise if any changes need to be made.

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: ICE PAVILION, CONSULTANT SERVICES, DIDONATO ASSOCIATES

Agenda Item #5

A contract for the above reference project was awarded to DiDonato Associates, P.E. of Buffalo on July 21, 2014 for professional services and design related tasks in the amount of \$175,000.00.

This new work involves full time Construction Inspection, on-site coordination of multiple Prime contractors and all related testing, for Phase IV of the project.

It is the recommendation of the undersigned that the City extend the existing professional service agreement with DiDonato Associates P.E. in the amount of \$129,876.00 to provide continuing on-site inspection for a new total of \$304,876.00.

This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$304,876.00 be approved.

Will the Council vote to so approve?

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

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

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #16, was defeated

CONTRACT: ICE PAVILION, PLUMBING CONTRACT, J. R. SWANSON PLUMBING, INC.

Agenda Item #6

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
J.R. Swanson Plumbing, Inc. 413 103 <sup>rd</sup> St. Niagara Falls NY 14304	\$94,800.00
Mollenberg Betz, Inc.	\$108,100.00
Ackerman Plumbing, Inc.	\$119,545.00
Danforth	\$132,300.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, J.R. Swanson Plumbing, Inc., at their Base Bid of \$94,800.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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

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

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

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #16, was defeated.

CONTRACT: ICE PAVILION, ELECTRICAL CONTRACT, SOUTH BUFFALO ELECTRIC INC.

Agenda Item #7

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
South Buffalo Electric Inc. 1250 Broadway St. Buffalo NY 14212	\$83,285.00
M&M Electric Co. Inc.	\$84,900.00
Frey Electric Co.	\$92,700.00
CIR Electric Construction	\$103,200.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, South Buffalo Electric Inc., at their Base Bid of \$83,285.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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

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

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

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #16, was defeated.

CONTRACT: ICE PAVILION, GENERAL CONTRACT, SCRUFARI CONSTRUCTION SERVICES, INC.

Agenda Item #8

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT. #2</u>
Scrufari Construction Services Inc. 3925 Hyde Park Blvd. Niagara Falls NY 14305	\$642,000.00	\$18,900.00
Sicoli Construction Services, Inc.	\$748,800.00	\$21,000.00
Sicoli & Massaro, Inc.	\$796,600.00	\$19,700.00
Rodems Construction Co.	\$876,000.00	\$15,300.00
Telco Construction Co.	\$877,000.00	\$15,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Scrufari Construction Services, Inc., at their Total Bid of \$660,900.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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

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

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

DEFEATED

This item is deemed defeated since the Bond Resolution, Agenda Item #16, was defeated.

CONTRACT: ICE PAVILION, ICE RINK CONTRACT, MOLLENBERG BETZ, INC.

Agenda Item #9

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Mollenberg Betz, Inc. 300 Scott St. Buffalo NY 14204	\$1,720,000.00
Total Mechanical Services, Inc.	\$1,729,475.00
Ice Builders, Inc.	\$1,937,000.00
Danforth	\$1,969,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Mollenberg Betz, Inc., at their Base Bid of \$1,720,000.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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

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

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

DEFEATED

Chairman Touma said that the Ice Rink generates revenue for the region. This item is deemed defeated since the Bond Resolution, Agenda Item #16, was defeated.

CONTRACT: ICE PAVILION, MECHANICAL CONTRACT, PARISE MECHANICAL, INC.

Agenda Item #10

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Parise Mechanical, Inc. 1106 Sheridan Drive Tonawanda NY14150	\$18,100.00
J.R. Swanson Plumbing Co.	\$27,425.00
Greater Niagara Mechanical Inc.	\$37,300.00
Mollenberg Betz, Inc.	\$38,800.00
Danforth	\$38,900.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Parise Mechanical, Inc., at their Base Bid of \$18,100.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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

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

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

DEFEATED

Council Member Grandinetti said that the impact the Ice Rink has on the City is huge. This item is deemed defeated since the Bond Resolution, Agenda Item #16, was defeated.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #11

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2015 to March 31, 2017

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

Alvarez, Lorrie	NFPD
Bragg, James	Planning Dept.
Bosi, Shawn	NFPD
Caso, John	DPW
Guilliani, Amy	NFPD
Myers, Jen	DPW
Paonessa, Nicholas	NFPD
Tothill, David	DPW
Travis, Jane	Law Dept.
Wasson, Nadine	City Clerk's Dept.

Crea-Smith, Maria, Dr.	5252 Lewiston Rd., Lewiston, NY 14092
Dyster, Rebecca	626 Orchard Pkwy., Niagara Falls, NY 14301
Enns, Jillian	4215 Lower River Rd., Youngstown, NY 14174
Frame, Peggy	8431 Buffalo Ave., #16, Niag.Falls,NY 14304
Frye-Gallaher, Helen K.	287 West Ave., Lockport, NY
Godzisz, Stephen	1822 Hyde Park Blvd., Niag. Falls, NY 14305
Gallo, Janet	1822 Hyde Park Blvd., Niagara Falls, NY 14305
Jain, Ragini	6700 Lindbergh Ave., Niagara Falls, NY 14304
James, David	4660 Perry Ct., Lewiston, NY 14092
Joyce, James	2744 Thornwood Dr., Niagara Falls, NY 14304
Kelly, Michelle	6921 Nash Rd., North Tonawanda, NY 14120
Kephart, Kathy E.	6425 Sherman Dr., Lockport, NY 14094
Mameli, Vincent	462 77 <sup>th</sup> St., Niagara Falls, NY 14304
Merino, Gail	9365 Rivershore Dr., Niagara Falls, NY 14304
Moore, Allison	2653 Porter Rd., Niagara Falls, NY
Muto, Rozanne	642 19 <sup>th</sup> St., Niagara Falls, NY 14301
Piekarski, Eugene, Sr.	151 Buffalo Ave. #A1412, Niagara Falls, NY 14303

Restaino, Diana 826 College Ave., Niagara Falls, NY 14305  
 Reynolds, Janice 2490 South Ave., Niagara Falls, NY 14305  
 Scrivano, Betty 1269 91<sup>st</sup> St., Niagara Falls, NY 14304  
 Shaffer, Brian 1401 Lafayette Ave., Niagara Falls, NY 14305  
 Smith, Pam 628 Chestnut Ave., Niagara Falls, NY 14305  
 Ubriaco, Randal 837 15<sup>th</sup> St., Niagara Falls, NY 14301  
 Virtuoso, Dennis 2703 Independence Ave., Niagara Falls, NY 14301  
 Weigel, Jennifer 1422 Fort Ave., Niagara Falls, NY 14303

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

Yeas 5  
 Nays 0

APPROVED

RESOLUTION: FINANCIAL ADVISORY PANEL, APPOINTMENT, 2015-13  
 BY: ALL COUNCIL MEMBERS

Agenda Item #12

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Financial Advisory Panel effective immediately, for a term expiring on the date that appears opposite their names:

APPOINTMENTS

Janet Baker Scott 12/31/2015  
 104-101<sup>st</sup> Street  
 Niagara Falls, NY 14304

Francis A. Soda 12/31/2015  
 4221 McKoon Avenue  
 Niagara Falls, NY 14305

Dr. Jay Walker 12/31/2015  
 2419 Independence Avenue  
 Niagara Falls, NY 14301

Doreen O'Connor 12/31/2015  
 1210 Brandi Drive  
 Niagara Falls, NY 14304

Carmen A. Grant 12/31/2015  
 8674 Hennepin Avenue  
 Niagara Falls, NY 14304

Samuel P. Granieri 12/31/2015  
 762-4<sup>th</sup> Street  
 Niagara Falls, NY 14301

Lawrence H. Cook II 12/31/2015  
 3811 Packard Road  
 Niagara Falls, NY 14303

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

ADOPTED

Council Member Grandinetti said that while this Resolution is well intentioned, she wishes the City had gone with the State Advisory Board.

RESOLUTION: NATIONAL JUNIOR HONOR SOCIETY, HONORING, 2015-14  
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, members of the LaSalle Preparatory School chapter of the National Junior Honor Society have presented to the Niagara Falls City Council on "What Freedom Means to Me", and

WHEREAS, these students have proven themselves to be exemplars of the National Junior Honor Society's "five pillars," namely, scholarship, leadership, service, character, and citizenship, and

WHEREAS, these students have exhibited scholarship by maintaining excellent grades in their schoolwork, and

WHEREAS, the members of the LaSalle Preparatory School chapter of the National Junior Honor Society have shown leadership by maintaining a positive attitude and a sense of responsibility for their actions and for the well-being of their peers, and

WHEREAS, these students have lived out the pillar of service by gladly volunteering for various causes, as well as by committing themselves to taking on difficult and inconspicuous responsibilities while at school in a spirit of kindness and a love for their community, and

WHEREAS, these students have exhibited character by remaining courteous, honest, reliable, and respectful of others, and setting a positive example for their classmates, and

WHEREAS, the members of the LaSalle Preparatory School chapter of the National Junior Honor Society have demonstrated citizenship through their presentations at the February 17 meeting of the Niagara Falls City Council, and

WHEREAS, the City Council of the City of Niagara Falls New York wishes to recognize the students from the LaSalle Preparatory School chapter of the National Junior Honor Society for their exemplary records, now

THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby honors the LaSalle Preparatory School chapter of the National Junior Honor Society, wishing them all the best in their future endeavors, and

BE IT FURTHER RESOLVED that the City Council of the City of Niagara Falls, New York hereby encourages all city residents to strive to live out the five pillars of the National Junior Honor Society, in order to bring about a better future for our city, country, and world.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: HISTORIC PRESERVATION COMMISSION, APPOINTMENT, 2015-15  
BY: ALL COUNCIL MEMBERS

Agenda Item #14

BE IT RESOLVED, that the following individual is hereby reappointed to The City of Niagara Falls Historic Preservation Commission effective immediately, for a term expiring on the date that appears opposite his name:

REAPPOINTMENT

Christopher M. Stoianoff 12/31/2018  
2126 North Avenue  
Niagara Falls, NY 14305

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: CITY COUNCIL, MEETING TIME CHANGE, 2015-16  
BY: COUNCIL CHAIRMAN ANDREW TOUMA, COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #15

WHEREAS, during its Council meeting held on the 8th day of December, 2014, this City Council established dates for City Council meetings for calendar year 2015 and also scheduled its Committee-of-the-Whole work sessions to take place at 5:00 p.m. and its legislative sessions to take place at 6:00 p.m.; and

WHEREAS, the City Council has received numerous comments from City residents in the form of complaints that the City Council meetings are scheduled too early in the evening which prevents people from attending the meetings if they so desire; and

WHEREAS, the City Council is receptive to the concerns of its City residents.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that for the months of March, April and May, 2015, commencing with its meeting on March 2, 2015, and for each and every scheduled meeting thereafter during the months of March, April and May, 2015, the City Council of the City of Niagara Falls will hold its Committee-of-the-Whole work sessions at 6:00 p.m. and its legislative sessions at 7:00 p.m. on the meeting dates established in the resolution of December 8, 2014.

Council Member Walker moved to amend the Resolution by adding the provision that the Meeting Time Change would be for a 3-month trial period during the Months of March, April and May.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

Council Member Walker moved to adopt the Resolution as amended

Yeas	5
Nays	0

ADOPTED

RESOLUTION: ICE PAVILION BONDS, RECONSTRUCTION/CONSTRUCTION  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #16

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

Section 1. For the purpose of paying the cost of the reconstruction and construction of improvements to the Ice Pavilion in and for the City of Niagara Falls, Niagara County, New York, including original furnishings, equipment, machinery and apparatus, as well as incidental costs, there are hereby authorized to be issued \$3,100,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$3,100,000, which is hereby authorized at said maximum estimated cost.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Controller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Controller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Controller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Controller shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the Niagara Gazette, the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

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

DEFEATED

**RESOLUTION FAILED-NEEDS 4 YEA VOTES TO PASS**

Council Member Anderson said the City Controller had informed the Council that the City was already in the hole, so he doesn't want to incur additional debt. He had voted No to the other items on this Agenda related to the Ice Rink so he is voting No on this item also. He feels the Casino funds should be used for the Ice Rink renovations. Council Member Choolokian commended Mr. Carella for the work that has been done at the Ice Rink and said he supports the Project. However, due to the Budget crises of the past few years, he doesn't think the City should be borrowing any more money. He feels that money should have been set aside from Casino funds over the years to pay for this Project.

Council Member Walker said that he feels that this is a lot of money to spend with the financial issues facing the City. However, this is the most important and final phase of the Project and the City should move forward and finish the Project because of the amount of money already invested.

Chairman Touma said this is the final phase of the Project and he understands the concerns about additional borrowing of the City but the spinoff of the economic returns from the Ice Rink should be enough incentive to complete the Project.

RESOLUTION: TURNER, JAEMON, HARRIS, AVION, BRADBERRY, JALEN, HONORING,  
2015-17  
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, three players from the Western New York Elite Basketball Club, Jaemon Turner, Avion Harris, and Jalen Bradberry, have been hand-picked to represent Western New York at the Melo 11 Pearl Classic I95 Basketball Tournament, and

WHEREAS, this honor is afforded to only a select few players in Western New York, and

WHEREAS, these players performed well through several rounds of play and made their city proud by securing a spot in the final four teams of the tournament, playing their best in the semifinals, and

WHEREAS, the City Council of the City of Niagara Falls, New York wishes to honor Jaemon Turner, Avion Harris, and Jalen Bradberry for their athletic achievements, and to make it known that the city of Niagara Falls is honored to have been represented by these three talented young men, now

THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby honors Jaemon Turner, Avion Harris, and Jalen Bradberry for their achievements and commends them for the hard work they have done, and

BE IT FURTHER RESOLVED that the City Council of the City of Niagara Falls, New York wishes these three young men the best of luck in all of their future endeavors, with confidence that by putting forth the hard work and effort that they have dedicated to the sport of basketball, they can accomplish any goal that they put their minds to.

Yeas 5  
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:35 P.M.

Carol A. Antonucci  
City Clerk

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